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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Public Utility Commission
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Revision Type (check all that apply):

- Amendment Content based on previous emergency rule filed on _____
 New Content is identical to the emergency rule
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1220-01-01	General Practice and Procedure
Rule Number	Rule Title
1220-01-01-.01	Definitions
1220-01-01-.02	Applicability
1220-01-01-.03	General Filing Procedures
1220-01-01-.04	Docketing and Filing Fees
1220-01-01-.05	Waiver of Rules
1220-01-01-.06	Hearings and Commission Conferences
1220-01-01-.08	Petition for Action Not Otherwise Covered
1220-01-01-.09	Required Notices to the Commission
1220-01-01-.10	Service
1220-01-01-.11	Time

Chapter Number	Chapter Title
1220-01-02	Contested Cases
Rule Number	Rule Title
1220-01-02-.01	Definitions
1220-01-02-.02	Commencement of Contested Cases

1220-01-02-.03	Defenses – Answers – Motions to Dismiss
1220-01-02-.04	Representation By Counsel
1220-01-02-.05	Declaratory Orders
1220-01-02-.06	Preliminary Motions
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1220-01-02-.10	Notice to Attorney General
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1220-01-02-.14	Notice of Hearing
1220-01-02-.15	Stipulations and Settlements
1220-01-02-.16	Evidence – Testimony and Burden of Proof
1220-01-02-.17	Defaults
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1220-01-02-.20	Petitions For Reconsideration
1220-01-02-.21	Staff Participation as a Party
1220-01-02-.22	General Powers
1220-01-02-.23	Petition for Revision of Rates

Chapter Number	Chapter Title
1220-04-01	General Public Utilities Rules
Rule Number	Rule Title
1220-04-01-.05	Petition for Revision of Rates
1220-04-01-.09	Pipeline Safety Rule

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/publications/services/rulemaking-guidelines>.

Chapter 1220-01-01 General Practice and Procedure

The Title of Chapter 1220-01-01, Rules and Regulations of Practice and Procedure, is amended by deleting the title in its entirety and substituting instead the following language so that the chapter title shall read:

Practice and Procedure Before the Commission

In the Table of Contents, 1220-01-01-.03 is amended by capitalizing the word "filing" in the title, as follows:

General Filing Procedures

In the Table of Contents, 1220-01-01-.04 is amended by changing the word "and" in the title to lower-case, as follows:

Docketing and Filing Fees

1220-01-01-.01 Definitions are amended by deleting them in their entirety and substituting instead the following:

- (1) Any term used in these rules defined by statute shall have the meaning given to the term in that particular statute.
- (2) Any term defined in a chapter of these rules shall have the meaning as therein provided for that chapter.
- (3) In addition, for these rules generally, the following terms shall have the following meanings, unless the context requires otherwise:
 - (a) "Commission," when used to refer to an agency of the State of Tennessee, means the Tennessee Public Utility Commission.
 - (b) "Hearing Officer" includes "Hearing Examiner," as defined in T.C.A. § 65-2-111; "Administrative Judge," as defined in T.C.A. § 4-5-102(1); and "Hearing Officer," as defined in T.C.A. § 4-5-102(4).
 - (c) "Company" means any person subject to the regulatory jurisdiction of the Commission.
 - (d) "Confidential Information" means documents and information in any form that, under a protective order in a contested case, have been specifically designated by the producing party as confidential information, asserting that it should be protected from public disclosure and inspection.
 - (e) "Customer" means any person receiving services or goods from any company subject to the regulatory jurisdiction of the Commission.
 - (f) "Commission Conference" means a "meeting" as that term is defined in T.C.A. § 8-44-102(b)(2).
 - (g) "Person" means an individual or any form of organization recognized by law as an entity.
 - (h) "Proprietary Information" means documents and information in any form that, according to a protective order in a contested case, have been specifically designated by the producing party as proprietary company information and that the producing party in good faith considers to contain or constitute trade secrets, confidential research or development, or commercially sensitive information.

- (i) "These rules" means Chapters 1 through 4 of Rules 1220-01, including any subsequent amendments.
- (j) "Written" and "Writing" include printing, typewriting, or any other intentional reduction to readable form.
- (k) "Electronic Document" means any document created in a machine-readable format or converted to a word-searchable digital format. All electronic documents must comply with the Americans with Disability Act (ADA) requirements for web content accessibility guidelines (WCAG) 2.1 Level AA and any updates or modifications made to this standard.
- (l) "Docket Manager" means the Docket and Records Manager within the Commission's Legal Division.

Authority: T.C.A. § 65-2-102.

1220-01-01-.02 Applicability is amended by deleting it in its entirety and substituting instead the following:

- (1) Except as may be otherwise expressly provided by these rules or governing statutes, these rules shall apply to contested cases and Commission Conferences. These rules apply to arbitration proceedings held according to 47 U.S.C. § 252 (The Federal Telecommunications Act) unless otherwise specified. These rules do not apply to matters about the internal organization and functioning of the Commission.

Authority: T.C.A. §§ 4-5-102, 65-2-102, 65-2-108, 65-4-101, and 65-4-104.

1220-01-01-.03 General Filing Procedures is amended by deleting it in its entirety and substituting instead the following:

- (1) All documents filed with the Commission shall be filed to the attention of the Commission Docket Manager via email to TPUC.DocketRoom@tn.gov or by mail. Four (4) paper copies of the filing shall be mailed to the Docket Manager, whether or not the filing is made by email or mail. Originals shall be retained in the Commission's official file.
- (2) All documents filed in a docketed proceeding shall contain a caption stating the style of the proceeding, the docket number, unless no docket number has been assigned at the time of filing, and title of the document being filed. All documents filed shall be signed by the party filing the same or by that party's counsel. Where service is required, all documents filed shall contain a certificate, signed and dated by the person responsible for service, confirming that service has been made on the persons shown and how service was effectuated.
- (3) Upon receipt of the filing by the Docket Manager, all documents shall be marked to show the date and time of filing. Documents filed via email shall be marked using the time of receipt. Persons submitting documents for filing may request that the Docket Manager acknowledge receipt of the filing via email.
- (4)
 - (a) All documents filed with the Docket Manager must be on 8 1/2" x 11" paper whenever possible. Other than those submitted on 8 1/2" x 11" paper, any physical exhibits must be accompanied by a copy or a description and explanation of the exhibit on 8 1/2" x 11" paper.
 - (b) All electronic documents shall be formatted to be printed on 8 1/2" x 11" paper.
 - (c) To the fullest extent possible, all spreadsheets or databases filed with the Commission shall have formulas visible and editable and include all dependencies to files provided to the Commission. Spreadsheets and databases do not need to be formatted to print on 8 1/2" x 11" paper.
- (5) Parties in a contested case in which a protective order has been entered who seek to file documents or information that they assert are confidential, shall file with the Commission requisite copies of said

documentation in a sealed envelope or by separate email marked "confidential information," in accordance with the terms of the protective order, subject to the following:

- (a) For each document or part of a document asserted to be confidential or proprietary, a statement explaining with reasonable specificity the basis, including citation to the law or rule relied upon for designating the document, as entitled to protection from public disclosure.
 - (b) Each page of any document designated as confidential or proprietary shall bear a mark indicating that it is filed as such.
 - (c) The provisions of this rule shall not abridge the right of any party, or the Commission on its initiative, to contest the designation of such information. Upon such challenge, the designation of information as proprietary or confidential may, by agreement, be removed and made public, or if there is no agreement, then removal may be made as determined by the Commission or Hearing Officer.
- (6) The Docket Manager may refuse to accept any document or filing that does not comply with these rules or for which the required fees or charges have not been tendered.

Authority: T.C.A. §§ 65-1-104, 65-2-102, and 65-2-103.

1220-01-01-.04 Docketing and Filing Fees is amended by deleting it in its entirety and substituting instead the following:

- (1) Upon filing a document initiating any category of proceeding under these rules and the tendering of the requisite fees, the proceeding will be assigned a docket number that shall be used to identify all documents and exhibits filed in that proceeding.
- (2) The Docket Manager shall charge and collect all filing fees required by law.
- (3) For the filing fee for "petitions" authorized by T.C.A. § 65-2-103, "petitions" shall include any initial filing by any party, however captioned, which seeks action by the Commission and is not otherwise covered by an express statutory provision or a provision of these rules or other rules of the Commission.

Authority: T.C.A. §§ 65-1-104 and 65-2-103.

Paragraph (1) of 1220-01-01-.05 Waiver of Rules is amended by deleting it in its entirety and substituting instead the following:

- (1) For good cause, including expediting the disposition of any matter, the Commission may waive the requirements or provisions of any of these rules in a particular proceeding on its initiative or the motion of a party, except when a rule embodies a statutory requirement. The Commission shall state the basis of any such waiver and may impose conditions or limitations consistent with the basis for the construction of these rules.

Authority: T.C.A. § 65-2-102.

1220-01-01-.06 Hearings and Commission Conferences is amended by deleting it in its entirety and substituting instead the following:

- (1) All contested case hearings, public hearings under rulemaking, and any other hearings according to these rules shall be held at such locations, dates, and times as may be established in the official notice of hearing or by order of the Commission.
- (2) The Commission shall convene monthly Commission Conferences, which may be waived or rescheduled at the Commission's discretion, along with any special meetings at locations, dates, and times designated by the Commission. Meeting information for the Commission Conference will be included in the Conference agenda or other public notice.

- (3) On its initiative or the motion of any party, the Commission may fix the place, date, and time of any hearing as it deems appropriate.

Authority: T.C.A. §§ 65-1-103, 65-2-102, and 65-2-108.

1220-01-01-.08 Petition For Action Not Otherwise Covered is amended by deleting it in its entirety and substituting instead the following:

- (1) Any person seeking permission to take some action not otherwise covered by these rules may file a petition stating the nature of the relief sought, the jurisdiction of the Commission to grant such relief, and the grounds upon which such relief may be granted. Where any such petition seeks relief against or otherwise involves the rights or duties of any other person, the petitioner shall serve a copy of the petition on such other person. Within a reasonable time after receiving any such petition, the Commission shall decide whether it has jurisdiction to entertain the petition, whether the petition should be disposed of under some procedure covered explicitly by these rules, and, if not, what procedure should be followed. An appropriate order shall be entered accordingly.

Authority: T.C.A. § 65-2-102.

1220-01-01-.09 Required Notices to the Commission is amended by deleting it in its entirety and substituting instead the following:

- (1) Each company regulated by the Commission shall furnish the Docket Manager with the name and address of each individual or office to receive notices from the Commission. Each company shall be responsible for ensuring that such information is kept current by promptly notifying the Docket Manager in writing regarding the effective date of any changes.

Authority: T.C.A. §§ 65-2-102 and 65-2-103.

1220-01-01-.10 Service is amended by deleting it in its entirety and substituting instead the following:

- (1) Unless stated otherwise in these rules or directed by the Commission or a Hearing Officer, all documents filed in any proceeding, including notices and orders, must be served on each party involved in that proceeding.
- (2) Whenever service is required or permitted to be rendered upon a party represented by counsel under these rules, service shall be made upon such counsel, unless the Commission orders service upon the party. Service upon counsel or a party shall be made by delivering to the office of such person a copy of the document to be served, mailing it by first-class mail, or sending it by electronic mail to such person's address as shown on a mailing or service list furnished by the Docket Manager. Service upon all parties of record shall be made in the same manner. Service by first-class mail is complete upon mailing.

Authority: T.C.A. § 65-2-102.

1220-01-01-.11 Time is amended by deleting it in its entirety and substituting instead the following:

- (1) In computing any period of time, the date of the act or the event after which the designated period begins to run is not to be included. The last day of the period, as computed, is to be included unless it is a Saturday, Sunday, legal holiday, or a day when the Commission is closed. In this event, the period runs until the end of the next day, not a Saturday, Sunday, legal holiday, or day when the Commission is closed. When the time prescribed or allowed is one week or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation. However, when the time is fixed by statute, the time shall be computed as provided in T.C.A. § 1-3-102.
- (2) Any filing required by the Commission by a date-certain shall be filed with the Docket Manager by 2:00 p.m. on that date.

- (3) When these rules, a notice, or any order entered in a proceeding requires or allows an act to be done in the proceeding or within a specified time, the Commission or Hearing Officer may, for cause shown, at any time:
- (a) Extend the specified time without motion or notice;
 - (b) Order the period enlarged, if a motion is filed before the expiration of the period originally prescribed or as extended by a previous order; or
 - (c) Upon motion after the expiration of the specified period, permit the act to be done where failure to act resulted from excusable neglect; but the time for taking any action may not be extended when that time is fixed by statute.

Authority: T.C.A. § 65-2-102.

**Chapter 1220-01-02
Practice and Procedure – Contested Cases**

The Title of Chapter 1220-01-02, Practice and Procedure – Contested Cases, is amended by deleting the title in its entirety and substituting instead the following language so that the chapter title shall read:

Contested Cases

1220-01-02-.01 Definitions are amended by deleting them in their entirety and substituting instead the following:

- (1) Terms used in this chapter will have the meanings given to them in the Uniform Administrative Procedures Act, in the provisions governing the Commission as codified in Title 65 Tennessee Code Annotated, and in Rule 1220-01-01-.01 of these rules.
- (2) In addition, for this chapter, the following terms will have the following meanings:
 - (a) "Appearance" means any act during a contested case by which a person, either in person or by counsel, recognizes and submits to the jurisdiction of the Commission for all purposes except where it is expressly stated to be limited to a particular purpose, such as challenging the jurisdiction of the Commission.
 - (b) "Party" means any person having a right, under the provisions of the laws applicable to the Commission, to appear and be heard in a contested case and includes:
 - 1. Persons who initiate a contested case by the filing of an initial petition;
 - 2. Persons against whom relief is sought or against whom action by the Commission is directed; and
 - 3. Persons who are given leave by the Commission to intervene in a contested case under applicable law and these rules.
 - (c) "Initial Petition" means any filing with the Commission through which a person seeks to initiate action by the Commission and that requires a contested case hearing, however captioned, including applications and complaints.
 - (d) "Petitioner" means a person filing or joining with others in filing an initial petition.
 - (e) "Respondent" means a person against whom relief is sought or against whom action by the Commission is directed.

Authority: T.C.A. § 65-2-102.

1220-01-02-.02 Commencement of Contested Cases is amended by deleting it in its entirety and substituting

instead the following:

- (1) The Commission may commence a contested case at any time concerning any matter within its jurisdiction.
- (2) The Commission may commence a contested case upon the initial petition of any person, unless:
 - (a) The Commission lacks jurisdiction over the subject matter;
 - (b) As a matter of law, no hearing is required for the disposition of the matter;
 - (c) The relief which the petition seeks is on its face barred as a matter of law;
 - (d) The initial petition was not submitted in a form substantially complying with any applicable provisions of law; or
 - (e) The appropriate fees did not accompany the initial petition.
- (3) If an initial petition does not expressly request the commencement of a contested case, it shall be deemed to include such a request to the Commission to conduct an appropriate contested case, provided the proceeding is warranted by law and meets the statutory criteria.
- (4) Upon the filing of a contested case, the petitioner and each respondent are under a duty to hold and preserve all documents, records, books, tangible things, and materials, including electronically stored, in its possession on any matter relevant to the subject matter involved, whether it relates to a claim or a defense of any party.
- (5) A tariff filing does not constitute a contested case; however, any interested person may object to the tariff filing by filing a complaint before the proposed effective date of the tariff. Any complaint shall state the nature of the interest, the grounds for any such objection, and the relief sought. A copy of the complaint shall be served on the company filing the tariff. The company filing the tariff shall have the right to respond to such complaint. It shall be within the discretion of the Commission to convene a contested case.
- (6) If the Commission determines on its own initiative not to convene a contested case in response to a complaint or initial petition, the Commission shall enter an order dismissing the complaint or petition and state the basis of the Commission's action.
- (7) Upon filing an initial petition that gives rise to a contested case proceeding, as defined in T.C.A. §§ 65-2-101(2) or 4-5-102(3), including a motion or petition for a show cause order under T.C.A. § 65-2-106, the petition will be referred to the General Counsel or their designee as Hearing Officer on the merits, as appropriate, or to prepare the matter for a hearing before the assigned panel of Commissioners. When preparing the matter, the Hearing Officer is authorized to address preliminary matters, including, but not limited to, a determination of jurisdiction, issuance of a show cause order, dispositive motions, consideration of requests for protective orders, intervention, discovery matters, and to establish a procedural schedule.

Authority: T.C.A. §§ 4-5-102, 4-5-301 and 65-2-102.

1220-01-02-.03 Defenses – Answers – Motions to Dismiss are amended by deleting paragraphs (1) and (3) through (6) in their entirety and substituting instead the following:

- (1) A respondent shall serve on the petitioner and file with the Commission a responsive pleading within 30 days after the service of a complaint or initial petition, except where otherwise provided by statute, these rules, or an order of the Commission.
- (3) A motion raising any defenses in (2) may be made before filing an answer, or combined with the answer. Such motions shall be disposed of before a hearing on the merits.

- (4) If the initial petition is so vague or ambiguous that the respondent cannot reasonably be required to frame a response, the respondent may move for a more definite statement before filing an answer. Such a motion shall identify the defects complained of and the details desired. If the motion is granted, a more definite statement shall be furnished by a date-certain fixed in the order granting the motion.
- (5) Upon motion made by any party within ten days after the service of a petition or answer upon that party, or on its own initiative, the Commission or Hearing Officer may order stricken from any petition, answer, or motion to dismiss, any insufficient defense or irrelevant, immaterial, impertinent or scandalous matter.
- (6) A respondent waives all defenses listed in (2) not presented either by motion, answer, or any amendment, except that lack of jurisdiction over the subject matter may be raised at any time. The defenses enumerated in subparagraphs (2)(b), (c), and (d) shall not be raised by amendment.

Authority: T.C.A. §§ 65-2-102, 65-4-101, and 65-4-104.

1220-01-02-.04 Representation by Counsel is amended by deleting it in its entirety and substituting instead the following:

- (1) Any party to a contested case may be represented, at the party's own expense, by an attorney or attorneys licensed in Tennessee or granted to appear *pro hac vice* upon satisfaction of the requirements in (2) of this rule below.
- (2) Out-of-state counsel shall comply with T.C.A. § 23-3-103(a) and Tennessee Supreme Court Rule 19, except that the affidavit referred to in the latter rule shall be filed with the Commission Docket Manager.
- (3) Any party to a contested case may represent itself. Under Tennessee law, however, a business entity must be represented by an attorney licensed in Tennessee or approved to appear *pro hac vice*.
- (4) Entry of an appearance by counsel shall be made by:
 - (a) The signing of any filing;
 - (b) The filing of a notice of appearance; or
 - (c) Appearance as counsel during a Commission Conference, pre-hearing conference, or a hearing.
- (5) After appearance of counsel has been made, all orders, notices, and filings shall be served only upon such counsel, unless otherwise requested.
- (6) Counsel wishing to withdraw shall give written notice to the Commission. Permission to withdraw shall not be unreasonably withheld.

Authority: T.C.A. §§ 4-5-305, 23-3-103(a), 65-2-102, and Tenn. Sup. Ct. Rule 19.

1220-01-02-.05 Declaratory Orders are amended by deleting paragraphs (1), (2), and (5) in their entirety and substituting instead the following:

- (1) As provided in T.C.A. §§ 4-5-223 and 65-2-104, any affected person may petition the Commission for a declaratory order regarding the validity or applicability of a statute, rule, or order within the primary jurisdiction of the Commission.
- (2) The Commission does not have jurisdiction to determine the constitutionality of a statute on its face, and any petition seeking such a declaration shall be denied. The Commission may grant petitions to resolve questions about the constitutional application of a statute to specific circumstances, the constitutionality of a rule promulgated, or an order issued by the Commission.

- (5) Notices of hearing required under T.C.A. § 4-5-224 shall be submitted electronically to the Secretary of State's administrative register website, with a copy to the Division of Publications, and in other forms or forums of publication, as may be required by statute.

Authority: T.C.A. §§ 4-5-223, 65-2-102, and 65-2-104.

1220-01-02-.06 Preliminary Motions is amended by deleting it in its entirety and substituting instead the following:

- (1) Any request for an action or ruling before a hearing on the merits in a contested case shall be made in writing, in the same form as other filings. The request shall state the factual and legal basis for the request, set forth the relief or order sought, and may be accompanied by a brief as to any issues of law, by affidavits, requests for official notice, or other appropriate proof as to any issue of fact.
- (2) Any party opposing a motion shall file and serve a response within seven days after service of the motion. The Commission or Hearing Officer may shorten or extend the time for responding to any motion.
- (3) No reply to a response shall be filed except upon order of the Commission or Hearing Officer.
- (4) Any party may, in a motion or response, request oral argument or the presentation of oral testimony, or the Commission or Hearing Officer may order oral argument or the presentation of oral testimony. If such a request is granted or an order is entered, the Commission or Hearing Officer shall set the date and time for the argument or presentation and may order that the argument be heard electronically.
- (5) Preliminary motions, responses, documents submitted in support, and any orders thereto, shall be filed with the Docket Manager and served on all parties.
- (6) Any party who wishes to seek interlocutory review by the Commission of a Hearing Officer's decision on a preliminary motion shall make an application by motion to the Hearing Officer within seven days after service of the order memorializing the Hearing Officer's decision. Permission for interlocutory review shall not be unreasonably withheld.
- (7) Any order dismissing a case or otherwise substantially disposing of the merits of the case is not an interlocutory order, and any such order issued by a Hearing Officer shall be considered as an initial order subject to review by the Commission as specified in T.C.A. § 4-5-315.
- (8) Nothing in this rule shall affect the right to seek interlocutory judicial review under T.C.A. § 4-5-322.

Authority: T.C.A. §§ 4-5-308 and 65-2-102.

1220-01-02-.07 Continuances and Other Rescheduling is amended by deleting paragraphs (1) and (2) in their entirety, substituting new paragraph (1) as noted below, and consecutively renumbering the remaining paragraphs as follows:

- (1) Any party desiring a continuance or other resetting of any hearing or pre-hearing conference shall file with the Docket Manager and serve on all parties a motion setting forth the grounds for the relief sought. Before filing such a motion, the party shall attempt to contact all parties to the proceeding and shall state each party's position in the motion.
- (2) Any party opposing the continuance or rescheduling may file a response setting forth the basis for such opposition, but the motion may be decided without waiting for responses.
- (3) In determining whether to grant such a motion, the Hearing Officer or the Commission may consider the relative convenience of the parties, the Commission's calendar for hearings, and the necessity for the expeditious disposition of the case.

Authority: T.C.A. §§ 4-5-308 and 65-2-102.

1220-01-02-.08 Intervention is amended by deleting paragraph (3) in its entirety and substituting instead the following:

- (3) A petition for intervention shall be filed at least seven days before the date of the contested case hearing.

Authority: T.C.A. §§ 4-5-310, 65-2-102, and 65-2-107.

1220-01-02-.09 Complaints is amended by deleting paragraphs (1), subparagraphs (1)(a), (1)(b), and (1)(d), and paragraph (2) in their entirety and substituting instead the following:

- (1) To be considered a contested case, a complaint against a public utility must be filed with the Docket Manager and shall:
 - (a) Be in writing and signed by the petitioner or an authorized attorney for the petitioner;
 - (b) Contain the name and address of the petitioner and the name and address of the respondent;
 - (d) Enumerate each statute allegedly violated by the respondent and state each fact demonstrating a violation of the statute so that the respondent can be duly apprised of each statutory violation charged; and
- (2) For good cause shown, the Commission may waive the provisions of this section to prevent manifest injustice or hardship to the complaining party.

Authority: T.C.A. §§ 65-2-102 and 65-2-103.

1220-01-02-.10 Notice to Attorney General is amended by deleting it in its entirety and substituting instead the following:

When the validity of a statute, administrative rule, or regulation of this State is challenged in any case, the Commission shall give notice to the Office of the Attorney General of Tennessee, specifying the pertinent statute, rule, or regulation.

Authority: T.C.A §§ 65-2-102, 29-14-107(b), T.R.C.P. Rule 24.04, T.R.A.P, Rule 32.

1220-01-02-.11 Discovery is amended by deleting it in its entirety and substituting instead the following:

- (1) Any party to a contested case proceeding may petition for discovery. In any case where discovery is sought, no discovery shall be undertaken until a discovery schedule is set in accordance with these rules. Parties are encouraged, where practicable, to attempt to informally obtain any necessary discovery and avoid undue expense and delay in resolving the matter. When such attempts have failed or the complexity of the case is such that informal discovery is not practicable, discovery shall be sought, effectuated, and enforced under the Tennessee Rules of Civil Procedure.
- (2) The party seeking discovery shall serve a copy of the discovery request on all parties to the proceeding and file it with the Commission. Such service shall be made even when the discovery sought may be directed to only specific parties. All discovery requests shall contain a certificate of service.
- (3) The party upon whom a discovery request has been served shall respond to each request in the following manner:
 - (a) The full text of the request shall precede each response;
 - (b) Any objection to a request shall specifically state the grounds and reasons for the objection. A party should refrain from making vague, generalized, or "boilerplate" objections;
 - (c) An objection must state whether any responsive materials are being withheld based on that objection;

- (d) Each set of discovery responses shall be accompanied by a notarized verification signed by a corporate officer or individual who will be responsible for the veracity of the submitted discovery responses; and,
 - (e) Copies of the response shall be served on all parties to the proceeding and filed with the Commission. All responses shall contain a certificate of service.
- (4) Insofar as a discovery response contains a spreadsheet with hard-coded numbers, suppressed formulas, or linkages to files that have not been produced in discovery, the Hearing Officer and the producing party shall be immediately notified. To the fullest extent possible, the producing party shall promptly update its response to include a compliant spreadsheet.
 - (5) Each party producing a discovery request or response shall file copies of such discovery with the Commission within three days of service.
 - (6) Any party unable to respond to discovery within the time provided and who cannot obtain agreement of the parties for an agreed order extending the time for responding may file a motion for an extension of the time for responding with the Docket Manager. No change to the procedural schedule related to discovery is effective without approval of the Commission or Hearing Officer.
 - (7) Before seeking to compel compliance by motion to the Commission, each party and the party's attorney shall meet and confer in good faith to reach an agreement on the discovery matters in conflict. Motions to compel discovery shall:
 - (a) Be accompanied by a copy of the discovery request that shows the question and the response or objection, as appropriate;
 - (b) State the reasons supporting the motion with reasonable specificity; and,
 - (c) Include a statement affirming that the attorney making the motion has made a reasonable effort to reach an agreement with opposing attorneys on the matters set forth in the motion.
 - (8) Motions for protective orders filed under Tennessee Rules of Civil Procedure 26.03, motions to quash subpoenas for discovery, or any motion asking that discovery be postponed or restricted shall:
 - (a) Be accompanied by a copy of the discovery request or subpoena;
 - (b) State with reasonable specificity the factual and legal grounds for the motion; and
 - (c) Include an affidavit or other evidence showing the need for the order.

Authority: T.C.A. §§ 4-5-311 and 65-2-102.

1220-01-02-.12 Pre-Hearing Conferences is amended by deleting it in its entirety and substituting instead the following:

- (1) In any contested case, the Commission or the Hearing Officer may, on their initiative or the motion of any party, enter an order under T.C.A. § 4-5-306 directing counsel for the parties and any unrepresented parties to appear for a conference or conferences before the hearing on the merits to consider:
 - (a) The simplification of issues for the hearing on the merits;
 - (b) The necessity or desirability of any amendments to the filings;
 - (c) The possibility of obtaining admissions of fact and documents that may avoid unnecessary proof;
 - (d) The limitation of the number of expert witnesses;

- (e) The disposition of any pending motions;
 - (f) The adoption or amendment of a discovery schedule in accordance with these rules, including the adoption of a statement of the issues for discovery;
 - (g) The steps that may be taken to expedite the disposition of the case or to facilitate settlement of the case, or any aspect thereof;
 - (h) The adoption of a schedule for the filing of briefs and any pre-filed testimony; and
 - (i) Other matters that may facilitate the just, efficient, and economical disposition of the case, including alternative dispute resolution.
- (2) At least one of the counsel or other representatives for each party participating in a pre-hearing conference shall have authority to enter into stipulations, make admissions, or enter into agreements concerning any matters the parties may reasonably anticipate will be considered.
 - (3) The Hearing Officer shall enter an order that recites the actions taken during the pre-hearing conference and embodies all decisions made. Such order shall control the subsequent course of the case unless modified by order of the Hearing Officer or the Commission.
 - (4) Upon reasonable notice to all parties, the Hearing Officer may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the Hearing Officer, to consider arguments and any relevant evidence on any question of law. The Hearing Officer may enter an initial order on any such question of law, as provided in the Uniform Administrative Procedures Act.
 - (5) In the discretion of the Hearing Officer, all or part of the pre-hearing conference may be conducted by electronic means, provided each participant in the conference has an opportunity to participate in, hear, and, if technically and economically feasible, see the entire proceeding while it is taking place.
 - (6) If a pre-hearing conference is not held, the Hearing Officer may issue a pre-hearing order based on the filings to regulate the conduct of the proceedings.

Authority: T.C.A. §§ 4-5-306, 65-2-102 and 65-2-111.

1220-01-02-.13 Subpoenas and Subpoenas Duces Tecum is amended by deleting it in its entirety and substituting instead the following:

At the request of any party, the General Counsel or the Hearing Officer shall issue signed subpoenas, including subpoenas duces tecum, following the Tennessee Rules of Civil Procedure. However, in addition to the means of service provided in the Tennessee Rules of Civil Procedure, service in contested cases may be by certified return receipt mail. With approval of the issuing authority, the parties may complete and serve their subpoenas. This section may not be used to circumvent the provisions of Rule 1220-01-02-.11.

Authority: T.C.A. §§ 4-5-311, 65-2-102, and 65-3-112.

1220-01-02-.14 Notice of Hearing is amended by deleting it in its entirety and substituting instead the following:

- (1) Except as otherwise provided by statute or these rules, the Commission or Hearing Officer shall give all parties reasonable notice of any pre-hearing conference or hearing held to address any preliminary motion.
- (2) The Commission or Hearing Officer shall notify all parties at least ten days before any hearing on the merits.

Authority: T.C.A. §§ 4-5-307, 65-2-102, and 65-2-108.

1220-01-02-.15 Reserved is amended by deleting the title "reserved" and adding a new rule titled **Stipulations and Settlements.**, which shall read:

- (1) The Commission encourages the resolution of matters brought before it through stipulations and settlements. Settlements must be supported by substantial evidence.
- (2) Proponents of a proposed settlement carry the burden of showing that the settlement is reasonable, in the public interest, or otherwise in compliance with law or regulatory policy. Proponents of the settlement should be prepared to call witnesses, file pre-filed testimony, and provide copies of any documents, financial analysis, exhibits, and an explanation of the underlying rationale to support the settlement. The Commission may require further development of an appropriate record supporting a proposed settlement as a condition of accepting or rejecting the settlement.

Authority: T.C.A. §§ 65-2-102 and 4-5-105.

1220-01-02-.16 Evidence – Testimony and Burden of Proof is amended by deleting paragraphs (2) through (6), and substituting instead the following:

- (2) The burden of proof shall be on the party asserting the affirmative of an issue, provided that when the Commission has issued a show cause order under T.C.A. § 65-2-106, the burden of proof shall be on the party thus directed to show cause.
- (3) In place of the oral examination of a witness, the direct or redirect examination of such witness shall be presented in written, question-and-answer form (pre-filed testimony). Pre-filed testimony shall be filed no later than ten days before the hearing unless directed by the Commission or the Hearing Officer. The Commission may require the presentation of pre-filed testimony under this rule if it deems that doing so would be in the public interest and would be conducive to a fair and expeditious disposition of the proceeding. Any party may object to the pre-filed testimony of a witness, and the objecting party shall have the right to be heard by the Commission or the Hearing Officer at a hearing on the objection.
- (4) All pre-filed testimony shall be filed in electronic or written form consistent with these rules. The lines on each page shall be double-spaced and numbered consecutively down the left side of the page, and the left-hand margin of each page shall not be less than 1 1/4 inches wide. During the hearing, after any such pre-filed testimony has been appropriately identified and authenticated under oath or affirmation by the witness presenting the same, it may upon motion be incorporated into the record in the same way as if the questions had been asked of the witness and the answers had been presented verbally by the witness. Such pre-filed testimony shall be treated as if given verbally, and the witness presenting such pre-filed testimony shall be subject to cross-examination during the hearing on the merits.
- (5) Any party shall have the right to cross-examine witnesses who testify and shall have the right to submit rebuttal testimony, subject to the standards of admissibility and such limitations as the Hearing Officer or Commissioner, whomever is presiding during the hearing, may reasonably require.
- (6) At the discretion of the Commission or the Hearing Officer, or on the motion of any party, witnesses may be excluded from the hearing room before their testimony.

Authority: T.C.A. §§ 4-5-313, 65-2-102, and 65-2-109.

1220-01-02-.17 Defaults – Unopposed Cases is amended by deleting it in its entirety and substituting instead the following:

- (1) Failure of a party to attend or participate in a pre-hearing conference, hearing, or other stage of a contested case proceeding, after due notice thereof, shall be cause for finding such party in default, under T.C.A. § 4-5-309. Failure to comply with an order of the Commission or a Hearing Officer may be deemed a failure to participate in a contested case and, therefore, be cause for finding a party in default.

- (2) (a) Upon entry into the record of the petitioner's default at a contested case proceeding, the petition shall be dismissed.
- (b) Upon entry into the record of a respondent's default at a contested case proceeding, the matter shall be considered unopposed relative to such respondent.
- (3) Where the case is unopposed, the petitioner has the burden of making a prima facie case, which may be done based on written filings. The Commission or Hearing Officer may require additional proof to ensure compliance with statutory requirements.

Authority: T.C.A. §§ 4-5-309, 4-5-317, 65-2-102, and 65-2-108.

1220-01-02-.18 Initial and Final Orders is amended by deleting paragraphs (1), (3), and (4) in their entirety and substituting instead the following:

- (1) The Uniform Administrative Procedures Act governs the review and effectiveness of initial and final orders.
- (3) Any final order shall be signed by the Commissioners who make the decision and attested to by the Executive Director. If any Commissioner was absent during the proceeding when the decision was made, abstained from voting, or dissented from the decision, that fact shall be reflected in the final order.
- (4) Any Commissioner may file a statement explaining their position. The statement may be attached to the final order or filed separately in the record.

Authority: T.C.A. §§ 4-5-314, 4-5-318, 65-2-102, and 65-2-112.

1220-01-02-.19 Stays is amended by deleting paragraphs (1), (2), and subparagraph (3)(b) in their entirety and substituting instead the following:

- (1) Any petition for stay filed under T.C.A. § 4-5-316 shall state the grounds upon which a stay is requested with reasonable specificity and be served on all parties of record. The petition may be supported by a brief, affidavit, or other supporting evidentiary materials.
- (2) Any party opposing a stay may file a brief in opposition within ten days after the service of the petition for stay.
- (3) In deciding whether to grant a stay, the Commission shall consider and give appropriate weight to:
 - (b) The hardship or injury that may be imposed on the petitioner if a stay is not granted;

Authority: T.C.A. §§ 4-5-316 and 65-2-102.

1220-01-02-.20 Petitions for Reconsideration is amended by deleting it in its entirety and substituting instead the following:

- (1) Any petition for reconsideration shall be filed within 15 days after the date of the entry of an order. The petition shall be served on all parties and include a statement of the grounds upon which relief is requested with reasonable specificity.
- (2) If the petitioners seek to present new evidence, the petition must include a statement explaining the reason for failing to introduce the proposed new evidence in the original proceeding, along with a detailed description of the proposed new evidence. This statement shall include copies of documents intended for introduction, identities of proposed witnesses, and summaries of the testimony planned to be presented. Any documents unavailable to the party seeking reconsideration at the time of filing the petition may be described in as much detail as possible and may be submitted later if reconsideration is granted, but no later than three working days before the hearing on reconsideration.

- (3) The Commission or Hearing Officer may grant or deny petitions for reconsideration of final orders under T.C.A. § 4-5-317, to the following extent:
 - (a) Any such petition shall be granted within the twenty days fixed by T.C.A. § 4-5-317(c), or it shall be deemed denied;
 - (b) If the petition is granted, the matter shall be heard as soon as practicable;
 - (c) The party seeking reconsideration may be allowed to present new evidence only if the party shows that good cause existed for failing to introduce the new evidence during the original hearing. The opposing party shall be allowed to present rebuttal proof if the party seeking reconsideration is permitted to present new evidence; and
 - (d) Any new evidence allowed to be introduced by the party seeking reconsideration shall be limited to that described in the petition for reconsideration.
- (4) The filing of a petition for reconsideration shall not toll the period for review of a final order unless the petition for reconsideration is granted.

Authority: T.C.A. §§ 4-5-317 and 65-2-102.

1220-01-02-.21 Staff Participation as a Party is amended by deleting it in its entirety and substituting instead the following:

- (1) In any show cause proceeding, designated staff members, represented by the General Counsel or other counsel employed by the Commission, shall participate as a party.
- (2) In any contested case commenced by the Commission, designated staff members, represented by the General Counsel or other counsel employed by the Commission, may participate as a party.
- (3) In any other contested case proceeding, designated staff members, represented by the General Counsel or other counsel employed by the Commission, may participate as a party.
- (4) Staff members who participate as a party shall be bound to comply with the requirements as any other party.
- (5) As soon as practicable after any proceeding in which the staff will participate as a party, the General Counsel shall identify those staff members to all interested parties and staff to prevent ex parte communications.

Authority: T.C.A. §§ 4-5-303, 4-5-304, 65-2-102, 65-2-106, and 65-2-107.

1220-01-02-.22 General Procedural Powers is amended by deleting it in its entirety and substituting instead the following:

In any contested case, the Commission or the Hearing Officer:

- (1) May determine that there is no genuine issue as to any material fact. In reaching such determination, the Commission or Hearing Officer may, in its discretion, hear and determine all or any part of a case, without hearing oral testimony;
- (2) May, on its own initiative or the motion of any party, allow amendments, consolidate cases, join parties, sever aspects of the case for separate hearings, permit additional claims or contentions to be asserted, bifurcate, or otherwise order the course of proceedings to further the just, efficient, and economical disposition of cases consistent with the statutory policies governing the Commission; and
- (3) Before exercising these general procedural powers, all parties shall be given reasonable notice and an opportunity to be heard.

Authority: T.C.A. § 65-2-102.

1220-01-02-.23 Petition for Rates is added as a new rule and shall read:

- (1) The rules in this section shall apply to petitions to revise rates filed under T.C.A. § 65-5-103(a).
- (2) The petitioner is required to file a notice of its intention to file a petition for revision of rates with the Docket Manager not less than 30 calendar days before filing its petition. At that time, a copy of the notice must also be emailed to the Commission's General Counsel, the Director of the Utilities Division, the Consumer Advocate Division of the Tennessee Attorney General's Office, and all parties of record from the utility's most recent rate case. This notice will initiate a proceeding that requires the applicable filing fee under T.C.A. § 65-2-103 and Commission Rule 1220-01-01-.04, but does not begin the calculation of time under T.C.A. § 65-4-103(a) and (b).
- (3) A petition for revision of rates shall include the following information to be considered complete:
 - (a) A summary of the proposed changes that includes an estimated residential and commercial monthly and annual increase if the requested change is granted;
 - (b) Pre-filed testimony supporting the proposed rate change; and,
 - (c) A tariff implementing the proposed change.
- (4) Customer notice of the petition shall be required:
 - (a) Within the next billing cycle or 45 days of the filing date of the rate petition, whichever is sooner, the Company applying for a revision of rates shall send directly to its customers, in the same manner they receive billing statements, either electronically or by first-class mail, a notice of its filing that includes the summary set forth in (3)(a) above.
 - (b) Once the date and location of the hearing on the petition have been determined, the Company must, within five days, provide an accurate update to the notice previously posted on its website and send the update directly to its customers in the same manner they receive their billing statements, either electronically or by first-class mail. This update shall include the date, location, and time scheduled for the hearing, an accurate summary of the proposed rate or rate changes currently presented to the Commission in the Company's testimony, and a summary of the position, including rates or rate changes, proposed by any intervening parties.
 - (c) The petitioner, by a duly authorized officer, or by its attorney, shall file a statement in writing on or before the date of hearing that the information required above has been distributed to its customers in the same manner they receive billing statements.
- (5) Discovery in rate proceedings shall be governed by Rule 1220-01-02-.11.

Authority: T.C.A. §§ 65-2-102, 65-4-104.

Chapter 1220-04-01 General Public Utilities Rules

The Title of Chapter 1220-04-01, General Public Utilities Rules, is amended by deleting the title in its entirety and substituting instead the following language so that the chapter title shall read:

General Public Utility Rules

1220-04-01-.05 Petition for Revision of Rates is repealed in its entirety.

Authority: T.C.A. §§ 65-2-102 and 65-4-104.

1220-04-01-.09 Pipeline Safety Rule is repealed in its entirety.

Authority: T.C.A. § 65-2-102.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chairman David F. Jones	X				N/A
Vice Chairman John Hie	X				N/A
Comm. Herbert H. Hilliard				X	N/A
Comm. Robin L. Morrison	X				N/A
Comm. Clay R. Good	X				N/A
Comm. Kenneth C. Hill	X				N/A
Comm. David Crowell	X				N/A

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Public Utility Commission on 6/23//2025, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: February 24, 2025

Rulemaking Hearing(s) Conducted on: (add more dates). April 22, 2025

Date: July 30, 2025

Signature: *Kelly Cashman-Grams*

Name of Officer: Kelly Cashman-Grams

Title of Officer: General Counsel

Agency/Board/Commission: Tennessee Public Utility Commission

Rule Chapter Number(s): TPUC Rules 1220-01-01, 1220-01-02, and 1220-04-01

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Jonathan Skrmetti
 Jonathan Skrmetti
 Attorney General and Reporter
August 5, 2025
 Date

Department of State Use Only

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Aug 11 2025, 3:56 pm

Secretary of State
 Division of Publications

Filed with the Department of State on: 8/11/2025

Effective on: 11/9/2025

Tre Hargett
 Tre Hargett
 Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

Below is a summary of public comments offered during the rulemaking hearing and open comment period, and the Commission's responses to the comments.

1. The proposed rules require that all spreadsheets be filed without "hard-coded" numbers and that the formulas remain intact and visible. Comment stated that its financial records are not solely maintained in Excel spreadsheets but are retrieved from a specially designed computer system that only produces hard-coded numbers.

The Commission acknowledges that it may not be feasible to remove all hard-coded numbers from spreadsheet materials submitted to it. As a result, the Commission revised the proposed rule to mandate that, to the fullest extent possible, spreadsheets be filed without "hard-coded" numbers, with formulas still present and visible.

2. Section 1220-01-01.03(5)(a) requires that a producing party specifically designate the information it considers confidential and provide a statement with legal citation, as appropriate, supporting its claim that the information should be protected from public disclosure. Comment asserted that the definition is unclear and will create an administrative burden for the producing party. Another comment produced legal authority that affirmed that a producing party bears the burden of designating confidential information. *See, Grae v. Corrections Corporation of America*, No. 24-5839, 2025 WL 1132413 (6th Cir. April 17, 2025).

The Commission concurs that the cited legal authority supports the requirement for a producing party to submit a statement explaining, with legal or rule citations, why documents are classified as confidential. To prevent unprotected information from being hidden from the public, the Commission amended the rule to clarify that if only part of a document is claimed confidential, the producing party should designate only that specific part as confidential, not the entire document. This change aims to avoid unjustified shielding of non-confidential information.

3. Comment suggested that proposed Rule 1220-01-02-.11(1) discourages informal discovery.

The Commission revised the rule to clarify that parties can engage in informal discovery.

4. Comment stated that proposed Rule 1220-01-02-11(4), which mandates discovery responses to be signed under oath, is burdensome.

The Commission disagrees that signing discovery responses is burdensome and believes that the provision was misunderstood or misread as written. The Commission amended the rule by clarifying that each set of discovery responses, not every individual response, must be accompanied by a notarized verification signed by a corporate officer or an individual responsible for the truthfulness of the submitted discovery responses.

5. The proposed Rule 1220-01-02-.15(3) requires that settlement agreements and stipulations be filed at least 21 days before the hearing on the merits. The comment argued that there is no need to formalize this requirement because the Commission already manages its operations as is necessary and includes this language in procedural schedules.

The Commission concurred and amended the rule to remove this requirement.

6. Comment asserted that Rule 1220-01-02-.16(5) permits intervenors to submit Direct Testimony.

The Commission disagrees with this interpretation and further states that its authority to manage its proceedings and to set a procedural schedule is sufficient to address this issue.

7. Comment proposed that the pre-filing notification requirement for rate proceedings, found in 1220-01-02.23(2), include all parties of record who intervened in the public utility's last two rate cases.

The Commission finds that notifying intervenors from the last two rate cases may be burdensome, but believes it is reasonable to include parties who intervened in the most recent rate case, and the rule reflects this requirement.

8. Comment disagreed with Rule 1220-01-02-.23(5), which requires that notice of a pending rate proceeding be sent electronically and by first-class mail and asserted that the dual notification strategy could be unreasonably costly and that many customers receive billing statements electronically.

The Commission agreed and modified the rule to require notification in the same manner as the customer receives their bill. For the same reasons, the Commission also removed the newspaper publication requirement of the rate proceeding in favor of other, more effective methods of notifying customers.

9. Minimum Filing Guidelines (MFGs) provide an extensive, essential store of underlying information in general rate proceedings and have been utilized by the Commission for years. The proposed rule renamed the guidelines as requirements and stated that the Commission would post the minimum filing requirements (MFRs) on its website and periodically amend them to ensure relevancy. Comment asserted that the MFRs must be set out explicitly in the Rule, or would violate the Uniform Administrative Procedures Act.

The Commission disagrees that MFRs not included in the Rule violate the law, but it removed Rule 1220-01-02-.23(4) because the Commission has broad discretion and authority to require a utility seeking a rate increase to produce information through data requests.

10. Comment expressed concern that certain changes to the discovery process may result in abuse of discovery between parties and increase the cost of litigation.

The Commission finds that it is empowered to manage and enforce the discovery process and has demonstrated its commitment to a fair and expedient process through discovery sanctions when appropriate.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

(1) The extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

These chapters detail the procedural requirements for parties appearing before the Commission. As an entity with quasi-judicial authority, the Commission adjudicates the rights, duties, privileges, immunities, and other legal interests of parties in contested case proceedings, acting similarly to a court of law. The rules may resemble other procedural or local court rules and are designed to coordinate with those regulations and help parties and interested individuals navigate procedural issues in cases before the Commission.

(2) Clarity, conciseness, and lack of ambiguity in the rule or rules.

The extensive updates, additions, and removals to the rules modernize and streamline them for better clarity and conciseness. This will assist parties and interested individuals appearing before the Commission, while also improving agency operations and its services to regulated entities and the public.

(3) The establishment of flexible compliance and/or reporting requirements for small businesses.

No impact expected.

(4) The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.

No impact expected.

(5) The consolidation or simplification of compliance or reporting requirements for small businesses.

No impact expected.

(6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.

No impact expected.

(7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

No impact expected.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

These rules will not affect the finances of local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The Commission acknowledges that its rules governing practice and procedure have not kept up with the legislative, organizational, and technological developments of the past 20 years. Since 2000, the Tennessee Regulatory Authority has been restructured into its current form with part-time Commissioners. Technological advances, such as the shift to digital communication via email instead of physical mail, online or electronic event notifications instead of newspapers, conducting business online, and attending meetings via online platforms, are often preferred over in-person appearances. In addition, the adoption of innovative software has significantly changed the Commission's operations. Furthermore, modifications to the rate-setting process, which enabled the creation of alternative regulatory mechanisms, and updates to best practices for managing general rate cases have highlighted the need to revise and modernize the Commission's practice and procedure rules.

The changes to the rules are designed to address these developments, simplify and clarify lengthy and outdated language where possible, and improve the efficiency of Commission operations for the benefit of the Commission, its stakeholders, and the public. Key revisions include (1) filing procedures; (2) confidential and proprietary information; (3) the discovery process; (4) notice of rate petitions to the Commission and consumers; and (5) settlements. The Commission's responses to public comments highlight and address these rule changes.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Under T.C.A. § 65-2-102(a)(1) and (2), the Commission is required to establish regulations for the procedures mandated or authorized by the statutes under which it operates. This includes practice guidelines, essential forms, and instructions, as well as the enforcement and interpretation of the laws it enforces.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

All Commission-regulated utilities, their representatives, parties granted intervention, and other interested persons involved in a Commission docket are impacted by the rules and have provided significant feedback during the rulemaking hearing and open comment period. Since these rules haven't been updated in over twenty years, these stakeholders have expressed support for modernizing them.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

There are no known opinions from the attorney general or reporter, nor are there any judicial rulings that pertain to these Rules or the need to revise them.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

No fiscal impact on local governments is anticipated.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Kelly Cashman-Grams, General Counsel

Jerry Kettles, Economist

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Kelly Cashman-Grams, General Counsel
Jerry Kettles, Chief Economist
Tim Schwarz, Director of Communications

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Andrew Jackson State Office Building, 502 Deaderick Street, 4th Floor, Nashville, TN 37243
615-770-6856, Kelly.Grams@tn.gov,
615-770-6894, Jerry.Kettles@tn.gov,
615-770-6881, Tim.Schwarz@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None

RULES
OF
TENNESSEE PUBLIC UTILITY COMMISSION

CHAPTER 1220-01-01
RULES AND REGULATIONS OF [GENERAL] PRACTICE AND PROCEDURE

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1220-01-01-.01 DEFINITIONS.

- (1) Any term used in these rules ~~that has been~~ defined by statute shall have the meaning given ~~[to]~~ the term in that particular statute.
- (2) Any term defined in a chapter of these rules shall have the meaning as therein provided for ~~the purpose of~~ that chapter.
- (3) In addition, for ~~the purpose of~~ these rules generally, the following terms shall have the following meanings, unless the context ~~clearly~~ requires otherwise:
 - (a) "Commission," when used to refer to an agency of the State of Tennessee, means the Tennessee Public Utility Commission.
 - (b) "Hearing Officer" includes "Hearing Examiner," as defined in T.C.A. § 65-2-111; "Administrative Judge," as defined in T.C.A. § 4-5-102(1); and "Hearing Officer," as defined in T.C.A. § 4-5-102(4).
 - (c) "Company" means any person subject to the regulatory jurisdiction of the Commission.
 - ~~(d) "Customer" means any person receiving services or goods from any company subject to the regulatory jurisdiction of the Commission.~~
 - [(d) "Confidential Information" means documents and information in any form that, under a protective order in a contested case, have been specifically designated by the producing party as confidential information, asserting that it should be protected from public disclosure and inspection.]
 - [(e) "Customer" means any person receiving services or goods from any company subject to the regulatory jurisdiction of the Commission.]
 - ~~(e)~~[f] "Commission Conference" means a "meeting" as that term is defined in T.C.A. § 8-44-102(b)(2).
 - ~~(f)~~[g] "Person" means an individual or any form of organization recognized by law as an entity.
 - ~~(g)~~[h] "Proprietary ~~information~~[Information]" means documents and information in ~~whatever~~[any] form ~~which~~[that], ~~pursuant~~[according] to a protective order in a contested case, have been specifically designated by the producing party as proprietary [company] information and ~~which~~[that] the producing party in good faith, ~~deems~~[considers] to

~~(Rule 1220-01-01-.01, continued)~~

contain or constitute trade secrets, confidential research or development, or commercially sensitive information.

- (h[i]) "These rules" means Chapters 1 through 4 of Rules 1220-01, including any subsequent amendments ~~thereto~~.
- (i[j]) "Written" and ~~"writing includes"~~["Writing" include] printing, typewriting, or any other intentional reduction to readable form.
- (j[k]) "Electronic Document" means any ~~documents~~[document] created in a ~~[machine-readable format or converted to a word-searchable]~~ digital format ~~on a computer, in a format compatible~~[. All electronic documents must comply] with ~~software in use by the Commission,~~[Americans with Disability Act (ADA) requirements for web content accessibility guidelines (WCAG) 2.1 Level AA and ~~transmitted to the Commission via floppy disks, zip disks, cd-rom, e-mail, or other electronic~~[any updates or modifications made to this standard.]
- [(l) "Docket Manager" means the Docket and Records Manager within the Commission's Legal Division.]

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-01-01-.02 APPLICABILITY.

- (1) Except as may be otherwise expressly provided ~~either~~ by these rules or ~~by~~ governing statutes, these rules shall apply to contested cases and Commission Conferences. These rules apply to arbitration proceedings held ~~pursuant~~[according] to 47 U.S.C. § 252 (The Federal Telecommunications Act) unless otherwise specified. These rules do not apply to matters ~~pertaining to~~[about] the internal organization and functioning of the Commission.

Authority: T.C.A. §§ 4-5-102, 65-2-102, 65-2-108, 65-4-101, and 65-4-104. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-01-01-.03 GENERAL FILING PROCEDURES.

- (1) All documents filed with the Commission shall be filed ~~in the office of the Chair of the Commission, who is responsible for maintain the official records of the Commission~~[to the attention of the Commission Docket Manager via email to TPUC.DocketRoom@tn.gov or by mail. Four (4) paper copies of the filing shall be mailed to the Docket Manager, whether or not the filing is made by email or mail. Originals shall be retained in the Commission's official file.]
- (2) All documents filed in a ~~formal~~[docketed] proceeding shall contain a caption stating the style of the proceeding, the docket number, unless no docket number has been assigned at the time of filing, ~~and the date~~ and title of the document being filed. All documents filed shall be signed by the party filing the same or by that party's counsel. Where service is required, all documents filed shall contain a certificate, signed [and dated] by the person responsible for service,

~~(Rule 1220-01-01-.03, continued)~~

confirming that service has been made on the persons ~~there~~ shown ~~by the means there shown~~ [and how service was effectuated.]

- (3) Upon receipt ~~in the office of the Chair of~~ filing by] the ~~Commission~~ [Docket Manager], all documents shall be ~~stamped on the first page thereof~~ [marked] to show the date and time of filing. [Documents filed via email shall be marked using the time of receipt.] Persons submitting documents for filing may request, ~~and the Chair~~ [that the Docket Manager acknowledge receipt] of the ~~Commission's office shall provide, a copy stamped to show the date and time of filing, to be returned to that person, either in person or by mail in a postage prepaid, self-addressed envelope furnished for that purpose~~ [filing via email.]

- ~~(4) Unless otherwise provided in these rules with respect to a particular category of proceeding, a written original and four (4) written copies of all electronic documents or an unbound, one-sided original and thirteen (13) copies of all written documents shall be filed with the Chair of the Commission. The original shall be retained in the official files.~~

- [(4) (a) All documents filed with the Docket Manager must be on 8 1/2" x 11" paper whenever possible. Other than those submitted on 8 1/2" x 11" paper, any physical exhibits must be accompanied by a copy or a description and explanation of the exhibit on 8 1/2" x 11" paper.

- (b) All electronic documents shall be formatted to be printed on 8 1/2" x 11" paper.

- (c) To the fullest extent possible, all spreadsheets or databases filed with the Commission shall have formulas visible and editable and include all dependencies to files provided to the Commission. Spreadsheets and databases do not need to be formatted to print on 8 1/2" x 11" paper.]

- ~~(5) (a) All documents filed with the Chair of the Commission must be on 8 1/2" x 11" paper where possible. Any physical exhibits, other than those submitted on 8 1/2" x 11" paper, must be accompanied by a copy of the exhibit or a description and explanation of the exhibit on 8 1/2" x 11" paper.~~

- ~~(b) All electronic documents shall be in a format compatible with software in use by the Commission, and shall be transmitted to the Commission via floppy disks, zip disks, cd-rom, e-mail or other electronic means.~~

- [(5) Parties in a contested case in which a protective order has been entered who seek to file documents or information that they assert are confidential, shall file with the Commission requisite copies of said documentation in a sealed envelope or by separate email marked "confidential information," in accordance with the terms of the protective order, subject to the following:
 - (a) For each document or part of a document asserted to be confidential or proprietary, a statement explaining with reasonable specificity the basis, including citation to the law or rule relied upon for designating the document, is entitled to protection from public disclosure.
 - (b) Each page of any document designated as confidential or proprietary shall bear a mark indicating that it is filed as such.
 - (c) The provisions of this rule shall not abridge the right of any party, or the Commission on its initiative, to contest the designation of such information. Upon such challenge, the designation of information as proprietary or confidential may, by agreement, be removed and made public, or if there is no agreement, then removal may be made as determined by the Commission or Hearing Officer.]

(Rule 1220-01-01-.03, continued)

- ~~(6) The Chair of the Commission may refuse to accept any document which does not comply with these rules or with respect to which the required fees or charges have not been tendered.~~
- [(6) The Docket Manager may refuse to accept any document or filing that does not comply with these rules or for which the required fees or charges have not been tendered.]
- ~~(7) Documents may be submitted by first class mail, certified or registered return receipt mail, hand delivery or overnight receipt courier and must be filed in the Office of the Chair of the Commission within the time fixed for filing. Documents may also be submitted by authorized electronic means or facsimile and when so submitted an original and the requisite number of written copies shall follow and be postmarked within the time fixed for filing.~~
- ~~(8) Parties in a contested case in which a protective order has been entered who seek to file information which they deem proprietary shall file with the Commission requisite copies of said information in a sealed envelope clearly marked "proprietary information," and otherwise in accordance with the terms of the protective order. The provisions of this rule shall not abridge the right of any other party to contest the proprietary status of such information. Further, the Commission and its staff shall have the right to review said proprietary information for the purpose for which it was submitted.~~

Authority: T.C.A. §§ 65-1-104, 65-2-102, and 65-2-103. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing "Executive Secretary" with "Chair of the Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-01-01-.04 DOCKETING AND FILING FEES.

- (1) Upon ~~the filing of the~~[a] document initiating any category of ~~formal~~ proceeding under these rules and the tendering of the requisite fees, the proceeding will be assigned a docket number, ~~which [that]~~ shall be used to identify all documents and exhibits filed in that proceeding.
- (2) The ~~Chair of the Commission~~[Docket Manager] shall charge and collect all filing fees required by law.
- (3) For ~~the purposes of~~ the filing fee for "petitions" authorized by T.C.A. § 65-2-103, "petitions" shall include any initial filing [by any party], however ~~denominated~~[captioned], which seeks action by the Commission and ~~which~~ is not otherwise covered by an express statutory provision or a provision of these rules or other rules of the Commission.

Authority: T.C.A. §§ 65-1-104 and 65-2-~~102~~[103]. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing "Executive Secretary" with "Chair of the Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-01-01-.05 WAIVER OF RULES.

- (1) For good cause, including expediting the disposition of any matter, the Commission may waive the requirements or provisions of any of these rules in a particular proceeding, on [its initiative or the] motion of a party ~~or on its own motion~~, except when a rule embodies a statutory

~~(Rule 1220-01-01-.07, continued)~~

requirement. The Commission shall state the basis of any such waiver and may impose conditions or limitations consistent with the basis for the construction of these rules.

- (2) A party may waive the benefits or rights of that party expressed in any rule, but may not waive the fulfillment of any duty.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-01-.06 HEARINGS AND COMMISSION CONFERENCES.

- (1) All contested case hearings, public hearings under rulemaking, and any other hearings ~~pursuant~~[according] to these rules shall be held at ~~the offices of the Commission in Nashville, Tennessee at~~ such [places,] dates, and times as may be ~~set~~[established] in the official notice of hearing or ~~as may be set~~ by order of the Commission.
- (2) ~~Scheduled and special Commission Conferences shall be held at the offices of the Commission in Nashville, Tennessee at such dates and times as the Commission may direct.~~ The Commission ~~may schedule regular, periodic dates for~~ [shall convene monthly] Commission Conferences, which may [be waived or] rescheduled ~~by~~[at] the Commission [’s discretion, along with] ~~and~~ any special meetings at such ~~places~~[locations], dates, and times [designated by] ~~as~~ the Commission ~~may direct.~~ [Meeting information for the Commission Conference will be included in the Conference agenda or other public notice.]
- (3) On its ~~own motion~~[initiative] or ~~on~~ the motion of any party, the Commission may fix the ~~place~~[location], date, and time of any hearing as it deems appropriate.

Authority: T.C.A. §§ 65-1-103, 65-2-102, and 65-2-108. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-01-.07 REPEALED.

1220-01-01-.08 PETITION FOR ACTION NOT OTHERWISE COVERED.

- (1) Any person seeking permission to take some action not otherwise covered by these rules may file a petition ~~setting forth~~[stating] the nature of the relief sought, the jurisdiction of the Commission to grant such relief, and the grounds ~~for granting that~~[upon which such] relief [may be granted]. Where any such petition seeks relief against or otherwise involves the rights or duties of any other person, the petitioner shall serve a copy of the petition on such other person. ~~Promptly~~[Within a reasonable time] after ~~the receipt of~~[receiving] any such petition, the Commission shall decide whether it has jurisdiction to entertain the petition ~~and~~, whether the petition should be disposed of ~~pursuant to~~[under] some procedure ~~specifically~~ covered [explicitly] by these rules, and, if not, what procedure should be followed. An appropriate order shall be entered accordingly.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-01-.09 REQUIRED NOTICES TO THE COMMISSION.

- (1) Each company regulated by the Commission shall furnish the ~~Chair of the Commission~~[Docket Manager] with the name and address of ~~the~~[each] individual or office to receive notices from the Commission. Each company shall be responsible for ~~making certain~~[ensuring] that such information is kept current, by promptly notifying the ~~Chair of the Commission~~[Docket Manager] in writing ~~as to~~[regarding] the effective date of any changes.

Authority: T.C.A. §§ 65-2-102 and 65-2-103. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-01-.10 SERVICE.

- (1) Unless ~~[stated otherwise in]~~ these rules ~~otherwise provide~~, or ~~[directed by]~~ the Commission or a Hearing Officer ~~otherwise orders~~, all ~~filings made~~[documents filed] in any ~~formal~~ proceeding, including ~~all~~ notices and orders, ~~shall~~[must] be served on each of the parties ~~to~~[involved in] that proceeding.
- (2) Whenever ~~under these rules~~, service is required or permitted to be ~~made~~[rendered] upon a party represented by counsel ~~[under these rules]~~, service shall be made upon such counsel, unless ~~[the Commission orders]~~ service upon the party ~~is ordered by the Commission~~. Service upon counsel or ~~upon~~ a party shall be made by delivering to the office of such person a copy of the document to be served, ~~or by~~ mailing it ~~[by first-class mail, or sending it by electronic mail]~~ to such person’s address as shown on a mailing or service list furnished by the ~~Chair of the Commission~~[Docket Manager]. Service upon all parties of record shall be made in the same manner. Service by first-class mail is complete upon mailing.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-01-.11 TIME.

- (1) In computing any period of time, the date of the act or ~~of~~ the event after which the designated period ~~of time~~ begins to run is not to be included. The last day of the period, as computed, is to be included unless it is a Saturday, Sunday, legal holiday, or ~~[a]~~ day when the ~~office of the Chair of the Commission~~ is closed, ~~in which~~[. In this] event[,], the period runs until the end of the next day ~~which~~[that] is not a Saturday, Sunday, legal holiday, or day when the ~~office of the Chair of the Commission~~ is closed. When the ~~period of~~ time prescribed or allowed is ~~[one week or less than seven (7) days]~~, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation. However, when the time is fixed by statute, the time shall be computed as provided in T.C.A. § 1-3-102.
- (2) Any filing required by the Commission by a date ~~certain~~ shall be filed ~~in~~[with] the ~~office of the Chair of the Commission~~[Docket Manager] by 2:00 p.m. on that date.

~~(Rule 1220-01-01-.11, continued)~~

- (3) When ~~by~~ these rules, ~~or by~~ a notice ~~given~~, or ~~by~~ any order entered in a ~~formal~~ proceeding, ~~requires or allows~~ an act ~~is required or allowed~~ to be done in ~~a formal the~~ proceeding or within a specified time, the Commission or ~~a~~ Hearing Officer ~~[may]~~, for cause shown, ~~may~~ at any time:
- (a) Extend ~~such[the]~~ specified time without motion or notice;
 - (b) Order the period enlarged, if a motion is filed before the expiration of the period originally prescribed or as extended by a previous order; or
 - (c) Upon motion after the expiration of the specified period, permit the act to be done where failure to act ~~was the result of~~ ~~resulted from~~ excusable neglect; but the time ~~may not be extended~~ for taking any action ~~[may not be extended]~~ when that time is fixed by statute.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing "Executive Secretary" with "Chair of the Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

**RULES
OF
TENNESSEE PUBLIC UTILITY COMMISSION
CHAPTER 1220-01-02
PRACTICE AND PROCEDURE - CONTESTED CASES
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1220-01-02-.01 DEFINITIONS.

- (1) Terms used in this chapter will have the meanings given ~~[to]~~ them in the Uniform Administrative Procedures Act, in the provisions governing the Commission as codified in Title 65 Tennessee Code Annotated, and in Rule 1220-01-01-.01 of these rules.
- (2) In addition, for ~~the purposes of~~ this chapter, the following terms will have the following meanings:
 - (a) “Appearance” means any act during ~~the course of~~ a contested case by which a person, either in person or by counsel, recognizes and submits to the jurisdiction of the Commission for all purposes except where it is expressly stated to be limited to a particular purpose, such as challenging the jurisdiction of the Commission.
 - (b) “Party” means any person having a right, under the provisions of the laws applicable to the Commission, to appear and be heard in a contested case and includes:
 1. Persons who initiate a contested case by the filing of an initial petition;
 2. Persons against whom relief is sought or against whom action by the Commission is directed; and
 3. Persons who are given leave by the Commission to intervene in a contested case ~~in accordance with~~ [under] applicable law and these rules.
 - (c) “Initial Petition” means any filing with the Commission ~~by~~[through] which a person seeks to initiate action by the Commission, ~~and~~ ~~which~~[that] requires a contested case hearing, however ~~denominated~~ [captioned], including applications and complaints.
 - (d) “Petitioner” means a person filing or joining with others in filing an initial petition.
 - (e) “Respondent” means a person against whom relief is sought or against whom action by the Commission is directed.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-02 COMMENCEMENT OF CONTESTED CASES.

- (1) The Commission may commence a contested case at any time ~~with respect to~~ [concerning] any matter within its jurisdiction.
- (2) The Commission may commence a contested case upon the initial petition of any person, unless:
 - (a) The Commission lacks jurisdiction ~~of~~ [over] the subject matter;
 - (b) As a matter of law, no hearing is required for the disposition of the matter;
 - (c) The relief which the petition seeks is on its face barred as a matter of law;
 - (d) The initial petition was not submitted in a form substantially complying with any applicable provisions of law; or
 - (e) The [appropriate fees did not accompany the] initial petition ~~was not accompanied by the appropriate fees.~~
- (3) If an initial petition does not expressly request the commencement of a contested case, ~~an initial petition~~[it] shall be deemed to include such a request to the Commission to conduct an appropriate contested case, provided the proceeding is warranted by law and meets the statutory criteria.
- ~~[(4) Upon the filing of a contested case, the petitioner and each respondent are under a duty to hold and preserve all documents, records, books, tangible things, and materials, including electronically stored, in its possession on any matter relevant to the subject matter involved, whether it relates to a claim or a defense of any party.]~~
- ~~[(4)5] A tariff filing does not constitute a contested case; however, any interested person may object to the tariff filing by filing a complaint. ~~Any such~~ [before the proposed effective date of the tariff.] [Any] complaint shall state the nature of the interest, the grounds for any such objection, and the relief sought. A copy of the complaint shall be served on the company filing the tariff. The company filing the tariff shall have the right to respond to such complaint. It shall be within the discretion of the Commission to convene a contested case. ~~A complaint opposing the tariff shall be filed no later than seven (7) days prior to the Commission Conference immediately preceding the proposed effective date of the tariff.~~~~
- ~~[(5)6] If the Commission determines, on its own ~~motion~~ [initiative], not to convene a contested case in response to a complaint or initial petition, the Commission shall enter an order dismissing the complaint or petition and state the basis of the Commission’s action.~~
- ~~[(7) Upon filing an initial petition that gives rise to a contested case proceeding, as defined in T.C.A. §§ 65-2-101(2) or 4-5-102(3), including a motion or petition for a show cause order under T.C.A. § 65-2-106, the petition will be referred to General Counsel or their designee as Hearing Officer on the merits, as appropriate, or to prepare the matter for a hearing before the assigned panel of Commissioners. When preparing the matter, the Hearing Officer is authorized to address preliminary matters, including, but not limited to, a determination of jurisdiction,~~

issuance of a show cause order, dispositive motions, consideration of requests for protective orders, intervention, discovery matters, and to establish a procedural schedule.]

Authority: T.C.A. §§ 4-5-102[, 4-5-301] and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.03 DEFENSES - ANSWERS - MOTIONS TO DISMISS.

- (1) A respondent shall serve on the petitioner and file with the Commission a responsive pleading within ~~thirty (30)~~ [30] days after the service of ~~the[a]~~ complaint or initial petition, except where otherwise provided by statute, ~~by~~ these rules[,], or ~~by[an]~~ order of the Commission.
- (2) Every defense, in law or fact, to an order or notice commencing a contested case or to an initial petition, shall be asserted in an answer, except that the following defenses may, at the option of the respondent, be made by motion in writing:
 - (a) Lack of jurisdiction over the subject matter;
 - (b) Lack of jurisdiction over the person;
 - (c) Insufficiency of notice;
 - (d) Insufficiency of service of the order, notice, or petition;
 - (e) Failure to state a claim upon which relief can be granted; or
 - (f) Failure to join an indispensable party.
- (3) A motion raising any ~~of the~~ defenses in (2) may be made ~~prior to~~[before] filing an answer, or ~~may be~~ combined with the answer. Such motions shall be disposed of ~~prior to~~[before] a hearing on the merits.
- (4) If the initial petition is so vague or ambiguous that the respondent cannot reasonably be required to frame a response, the respondent may move for a more definite statement before filing an answer. Such a motion shall ~~point out~~[identify] the defects complained of and the details desired. If the motion is granted, a more definite statement shall be furnished by a date certain fixed in the order granting the motion.
- (5) Upon motion made by any party within ten ~~(10)~~ days after the service of a petition or answer upon that party, or ~~up[on]~~ its own initiative, the Commission or Hearing Officer may order stricken from any petition, answer, or motion to dismiss, any insufficient defense or ~~any~~ irrelevant, immaterial, impertinent or scandalous matter.
- (6) A respondent waives all defenses listed in (2) ~~which are~~ not presented either by motion, answer, or any amendment ~~thereto~~, except that lack of jurisdiction over the subject matter may be raised at any time. The defenses enumerated in subparagraphs (2)(b), (c)[,], and (d) shall not be raised by amendment.

Authority: T.C.A. §§ 65-2-102, 65-4-101, and 65-4-104. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.04 REPRESENTATION BY COUNSEL.

- (1) Any party to a contested case may be ~~advised and~~ represented, at the party's own expense, by ~~a licensed~~[an] attorney or attorneys [~~licensed in Tennessee or granted to appear pro hac vice upon satisfaction of the requirements in (2) of this rule below~~].
- ~~(2) Any party to a contested case may represent himself or herself. In the case of a corporation or other artificial person recognized by law, the party may participate through a duly authorized representative, such as an officer, director or appropriate employee, whether or not that person is a licensed attorney.~~
- ~~(3) The Commission shall notify all parties in a contested case of their right to be represented by counsel. An appearance by a party without counsel may be deemed a waiver of the right to counsel.~~
- [(2) Out-of-state counsel shall comply with T.C.A. § 23-3-103(a) and Tennessee Supreme Court Rule 19, except that the affidavit referred to in the latter rule shall be filed with the Commission Docket Manager.]
- [(3) Any party to a contested case may represent itself. Under Tennessee law, however, a business entity must be represented by an attorney licensed in Tennessee or approved to appear *pro hac vice*.]
- (4) Entry of an appearance by counsel shall be made by:
 - (a) The signing of any filing;
 - (b) The filing of a notice of appearance; or
 - (c) Appearance as counsel ~~at an~~[during a] Commission Conference, pre-hearing conference, or a hearing.
- (5) After appearance of counsel has been made, all orders, notices, and filings shall be served only upon such counsel, unless otherwise requested.
- (6) Counsel wishing to withdraw shall give written notice to the Commission. Permission to withdraw shall not be unreasonably withheld.
- ~~(7) Out of state counsel shall comply with T.C.A. § 23-3-103(a) and Tennessee Supreme Court Rule 19, except the affidavit referred to in the latter rule shall be filed with the Chair of the Commission.~~

Authority: T.C.A. §§ 4-5-305, 23-3-103(a), ~~and~~ 65-2-102, and *Tenn. Sup. Ct. Rule 19*. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing "Executive Secretary" with "Chair of the Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-01-02-.05 DECLARATORY ORDERS.

- (1) Pursuant to [As provided in] T.C.A. §§ 4-5-223 and 65-2-104, any affected person may petition the Commission for a declaratory order ~~as to~~ [regarding] the validity or applicability of a statute, rule, or order within the primary jurisdiction of the Commission.
- (2) The Commission does not have jurisdiction to determine the constitutionality of a statute on its face, and any petition seeking such a declaration shall be denied. The Commission may grant petitions to ~~determine~~ [resolve] questions [about] ~~as to~~ the constitutional application of a statute to specific circumstances, ~~or as to~~ the constitutionality of a rule promulgated, or [an] order issued, by the Commission.
- (3) Petitions for declaratory orders shall be filed in the same form and manner as other petitions, as specified in these rules. Any such petition shall state the factual circumstances warranting a declaration by the Commission; the specific statute, rule, or order as to which a declaration is sought; how the application of that statute, rule, or order affects or threatens to affect the petitioner; and a statement of the declaration requested.
- (4) The Commission may allow persons other than the petitioner to file statements as to whether the Commission should commence a contested case, or refuse to issue a declaratory order, as provided in T.C.A. § 4-5-223. Any such statements shall be served on all parties.
- [(5) Notices of hearing required under T.C.A. § 4-5-224 shall be submitted electronically to the Secretary of State's administrative register website, with a copy to the Division of Publications Information, and in other forms or forums of publication, as may be required by statute.]

Authority: T.C.A. §§ 4-5-223, 65-2-102, and 65-2-104. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-01-02-.06 PRELIMINARY MOTIONS.

- (1) Any request for an action or ruling ~~prior to~~ [before] a hearing on the merits in a contested case shall be made in writing, in the same form as other filings. The request shall state the ~~grounds therefor~~ [factual and legal basis for the request], set forth the relief or order sought, and may be accompanied by a brief as to any issues of law, by affidavits, requests for official notice, or other appropriate proof as to any issue of fact.
- (2) Any party opposing a motion shall file and serve a response within seven ~~(7)~~ days after service of the motion. The Commission or Hearing Officer may shorten or extend the time for responding to any motion.
- (3) No reply to a response shall be filed except ~~upon leave given or upon the~~ order of the Commission or Hearing Officer.
- (4) Any party may, in a motion or response, request oral argument or the presentation of oral testimony, or the Commission or Hearing Officer may order oral argument or the presentation of oral testimony. If such a request is granted or ~~such an order~~ [is] entered, the Commission or Hearing Officer shall set the date and time ~~therefor~~ [for the argument or presentation] and may order that the argument be heard ~~by telephone conference call~~ [electronically].
- (5) Preliminary motions, responses, ~~matters~~ [documents] submitted in support ~~thereof~~, and any orders ~~with respect~~ thereto, shall be filed with the ~~Chair of the Commission~~ [Docket Manager] and ~~shall be~~ served on all parties.

- (6) Any party who wishes to seek interlocutory review by the Commission of a Hearing Officer[~~'s~~] decision on a preliminary motion shall make [~~an~~] application by motion to the Hearing Officer [~~within seven days after service of the Order memorializing the Hearing Officer's decision.~~] Permission for interlocutory review shall not be unreasonably withheld.
- (7) Any order dismissing a case or otherwise substantially disposing of the merits of the case is not an interlocutory order, and any such order issued by a Hearing Officer shall be considered as an initial order subject to review by the Commission as specified in [~~T.C.A.~~] § 4-5-315.
- (8) Nothing in this rule shall affect the right to seek interlocutory judicial review ~~pursuant~~[~~under~~] T.C.A. § 4-5-322.

Authority: T.C.A. §§ 4-5-308 and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.07 CONTINUANCES AND OTHER RESCHEDULING.

- (1) Any party desiring a continuance or other resetting of any hearing or pre-hearing conference shall file with the ~~Chair of the Commission~~[~~Docket Manager~~] and serve on all parties a motion setting forth the grounds for the relief sought. Before filing such a motion, the ~~movant~~[~~party~~] shall ~~attempt~~[~~make reasonable attempts~~] to contact ~~the~~[~~all~~] parties to the proceeding and ~~shall~~ state [~~each party's position~~] in the motion ~~the position of each party~~.
- ~~(2) Motions to continue or reschedule a hearing or pre-hearing conference in a case which has been referred to a Hearing Officer shall be addressed to the Hearing Officer. Motions to continue or reset any other hearing or pre-hearing conference shall be addressed to the Commission.~~
- ~~(3)~~[2] Any party opposing the continuance or rescheduling may file a response setting forth the basis for such opposition, but the motion may be decided without waiting for responses.
- ~~(4)~~[3] In determining whether to grant such a motion, the Hearing Officer or the Commission may consider the relative convenience of the parties, the Commission’s calendar for hearings, and the necessity for the expeditious disposition of the case.

Authority: T.C.A. §§ 4-5-308 and 65-2-10. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.08 INTERVENTION.

- (1) Petitions for intervention shall be granted in accordance with T.C.A. § 4-5-310 and T.C.A. § 65-2-107.
- (2) A petition for intervention shall set forth with particularity those facts that demonstrate that the petitioner’s legal rights, duties, privileges, immunities, or other legal interests may be

determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law. Intervention may be denied or delayed for failure to provide such specific facts.

- (3) A petition for intervention shall be filed at least seven ~~(7)~~ days ~~prior to~~[before] the date of the contested case hearing.

Authority: T.C.A. §§ 4-5-310, 65-2-102, and 65-2-107. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.09 COMPLAINTS

- (1) ~~A formal~~[To be considered a contested case, a] complaint ~~filed~~ against a public utility ~~regulated by~~[must be filed with] the ~~Commission~~[Docket Manager and] shall:
- (a) Be in writing and signed by the ~~complainant~~[petitioner] or ~~by a duly authorized representative or~~ [an authorized] attorney ~~of~~[for] the ~~complainant~~[petitioner];
 - (b) Contain the name and address of the ~~complainant~~[petitioner] and the name and address of the ~~defendant or~~ respondent;
 - (c) Set forth with specificity the factual basis and legal grounds upon which the complaint is based;
 - (d) Enumerate each statute allegedly violated by the ~~defendant~~[respondent] and state each fact demonstrating a violation of the statute so that the ~~defendant~~[respondent] can be duly apprised of each statutory violation charged; and
 - (e) Enumerate any Commission rule or regulation relied upon for a claim and set forth the manner of each alleged violation of that Commission rule or regulation.
- (2) For good cause shown, the Commission may waive the provisions of this section ~~in order~~ to prevent manifest injustice or hardship to the complaining party.

Authority: T.C.A. §§ 65-2-102 and 65-2-103. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.10 NOTICE TO ATTORNEY GENERAL.

When the validity of a statute ~~of this State or an~~[.] administrative rule[.] or regulation of this State is ~~drawn into question~~[challenged] in any case, the Commission shall give notice to the Office of the Attorney General of Tennessee, specifying the pertinent statute, rule, or regulation.

Authority: T.C.A. §[S] 65-2-102[, 29-14-107(b), T.R.C.P. Rule 24.04, T.R.A.P. Rule 32]. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.11 DISCOVERY.

- (1) Any party to a contested case [proceeding] may petition for discovery. In any case where discovery is sought, no discovery shall be undertaken until a discovery schedule is set in accordance with these rules. Parties are encouraged, where practicable, to attempt to achieve[informally obtain] any necessary discovery informally, in order to-[and] avoid undue expense and delay in the resolution of[resolving] the matter-at-hand. When such attempts have failed or where the complexity of the case is such that informal discovery is not practicable, discovery shall be sought-and, effectuated-in accordance with[, and enforced under] the Tennessee Rules of Civil Procedure.
- ~~(2) Any party may at any time prior to the hearing of a case on its merits move for the setting of a discovery schedule, either in a pre-hearing conference or by order of the Commission or a Hearing Officer. Any such motion may be denied if it appears the movant has unreasonably delayed in seeking discovery and if discovery would unreasonably delay disposition of the case on its merits.~~
- [(2) The party seeking discovery shall serve a copy of the discovery request on all parties to the proceeding and file it with the Commission. Such service shall be made even when the discovery sought may be directed to only specific parties. All discovery requests shall contain a certificate of service.]
- ~~(3) Each petition for discovery shall state with reasonable specificity the issues to which discovery may be directed and the manner in which discovery is proposed to be accomplished.~~
- [(3) The party upon whom a discovery request has been served shall respond to each request in the following manner:
 - (a) The full text of the request shall precede each response;
 - (b) Any objection to a request shall specifically state the grounds and reasons for the objection. A party should refrain from making vague, generalized, or “boilerplate” objections;
 - (c) An objection must state whether any responsive materials are being withheld based on that objection;
 - (d) Each set of discovery responses shall be accompanied by a notarized verification signed by a corporate officer or individual who will be responsible for the veracity of the submitted discovery responses.
 - (e) Copies of the response shall be served on all parties to the proceeding and filed with the Commission. All responses shall contain a certificate of service.]
- ~~(4) Stipulations extending the time for responding to discovery shall not be effective without the approval of the Commission or Hearing Officer. Any party unable to respond to discovery within the time provided and who cannot obtain the agreement of the parties for an agreed order extending the time for responding may move, in writing, for an extension of the time for responding.~~
- [(4) Insofar as a discovery response contains a spreadsheet with hard-coded numbers, suppressed formulas, or linkages to files that have not been produced in discovery, the Hearing Officer and the producing party shall be immediately notified. To the fullest extent possible, the producing party shall promptly update its response to include a compliant spreadsheet.

- ~~(5) (a) No party shall serve on any other party more than forty (40) discovery requests including sub-parts without first having obtained leave of the Commission or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production. If a party is served with more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty (40) requests.~~
- ~~(b) All responses to interrogatories shall be signed under oath.~~
- [(5) Each party producing a discovery request or response shall file copies of such discovery with the Commission within three days of service.]
- ~~(6) The party responding to any form of discovery shall respond or object to each request, serve a copy containing the original signature upon the requesting party, serve copies thereof on all other parties and upon request of the Commission or a Hearing Officer, file a copy with the Commission.~~
- (6) Any party unable to respond to discovery within the time provided and who cannot obtain agreement of the parties for an agreed order extending the time for responding may file a motion for an extension of the time for responding with the Docket Manager. No change to the procedural schedule related to discovery is effective without approval of the Commission or Hearing Officer.]
- ~~(7) All objections to discovery requests shall be presented in the manner set forth in the Tennessee Rules of Civil Procedure.~~
- [(7) Before seeking to compel compliance by motion to the Commission, each party and the party's attorney shall meet and confer in good faith to reach an agreement on the discovery matters in conflict. Motions to compel discovery shall:
- (a) Be accompanied by a copy of the discovery request that shows the question and the response or objection, as appropriate;
 - (b) State the reasons supporting the motion with reasonable specificity; and,
 - (c) Include a statement affirming that the attorney making the motion has made a reasonable effort to reach an agreement with opposing attorneys on the matters set forth in the motion.]
- ~~(8) If counsel for any party advises the Commission or Hearing Officer in writing that an opposing counsel has refused or delayed a discussion of any discovery problems covered in this subsection, the Commission or Hearing Officer may take such action as appropriate to avoid delay.~~
- [(8) Motions for protective orders filed under Tennessee Rules of Civil Procedure 26.03, motions to quash subpoenas for discovery, or any motion asking that discovery be postponed or restricted shall:
- (a) Be accompanied by a copy of the discovery request or subpoena;
 - (b) State with reasonable specificity the factual and legal grounds for the motion; and
 - (c) Include an affidavit or other evidence showing the need for the order.]

- ~~(9) Motions to compel discovery shall be accompanied by a copy of the discovery request that shows the question and objection or response and shall state the reasons supporting the motion with reasonable specificity.~~
- ~~(10) Motions for protective orders filed pursuant to Tennessee Rules of Civil Procedure 26.03, motions to quash subpoenas for discovery, or any motion asking that discovery be postponed or restricted shall:~~
- ~~(a) Be accompanied by a copy of the discovery request or subpoena;~~
 - ~~(b) State with reasonable specificity the factual and legal grounds for the motion; and~~
 - ~~(c) Be accompanied by an affidavit or other evidence showing the need for the order.~~
- ~~(11) Whenever a request for discovery is made, the party seeking discovery shall serve each party with a copy of the request. Such service shall be made even though the discovery sought may be directed to fewer than all parties.~~
- ~~(12) The Commission may adopt, and from time to time modify, a model protective order, the use of which shall not be mandatory, but which shall provide guidance as to appropriate provisions of such orders.~~

Authority: T.C.A. §§ 4-5-311 and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.12 PRE-HEARING CONFERENCES.

- (1) In any contested case, the Commission or the Hearing Officer may, on ~~his[their initiative]~~ or ~~her own motion or on~~ the motion of any party, enter an order ~~pursuant to~~ ~~[under]~~ T.C.A. § 4-5-306, directing counsel for the parties and any unrepresented parties to appear for a conference or conferences before the hearing on the merits to consider:
- (a) The simplification of issues for the hearing on the merits;
 - (b) The necessity or desirability of any amendments to the filings;
 - (c) The possibility of obtaining admissions of fact and ~~of~~ documents ~~which[that]~~ may avoid unnecessary proof;
 - (d) The limitation of the number of expert witnesses;
 - (e) The disposition of any pending motions;
 - (f) The adoption or amendment of a discovery schedule in accordance with these rules, including the adoption of a statement of the issues for ~~the purpose of~~ discovery;
 - (g) The steps ~~which[that]~~ may be taken to expedite the disposition of the case or to facilitate settlement of the case, or any aspect thereof;
 - (h) The adoption of a schedule for the filing of briefs and any pre-filed testimony; and
 - (i) ~~Such other~~ ~~[Other]~~ matters ~~as[that]~~ may facilitate the just, efficient, and economical disposition of the case, including alternative dispute resolution.

- (2) At least one of the counsel or other ~~representative~~[representatives] for each party participating in a pre-hearing conference shall have authority to enter into stipulations, make admissions, or enter into agreements ~~with respect to~~[concerning] any matters ~~which~~—the parties may reasonably anticipate will be considered.
- (3) The Hearing Officer shall enter an order ~~which~~[that] recites the actions taken ~~at~~[during] the pre-hearing conference and embodies all decisions made ~~and such~~. [Such] order shall control the subsequent course of the case unless modified by order of the Hearing Officer or the Commission.
- (4) Upon reasonable notice to all parties, the Hearing Officer may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the Hearing Officer, to consider arguments and any relevant evidence on any question of law. The Hearing Officer may enter an initial order [on any such question of law], as provided in the Uniform Administrative Procedures Act, ~~on any such question of law~~.
- (5) In the discretion of the Hearing Officer, all or part of the pre-hearing conference may be conducted by electronic means, provided each participant in the conference has an opportunity to participate in, hear, and, if technically and economically feasible, see the entire proceeding while it is taking place.
- (6) If a pre-hearing conference is not held, the Hearing Officer ~~for the hearing~~ may issue a pre-hearing order based on the filings to regulate the conduct of the proceedings.

Authority: T.C.A. §§ 4-5-306, 65-2-102 and 65-2-111. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.13 SUBPOENAS AND SUBPOENAS DUCES TECUM.

- (1) At the request of any party, the ~~Chair of the Commission~~[General Counsel] or the Hearing Officer shall issue signed subpoenas, including subpoenas duces tecum, ~~in blank in accordance with~~[following] the Tennessee Rules of Civil Procedure, ~~except that service in contested cases may be certified, return receipt mail~~[. However], in addition to the means of service provided in the Tennessee Rules of Civil Procedure ~~Parties shall~~ [, ~~service in contested cases may be by certified return receipt mail. With approval of the issuing authority, the parties may~~] complete and serve their ~~own~~ subpoenas. This section may not be used to circumvent the provisions of Rule 1220-01-02-.11.

Authority: T.C.A. §§ 4-5-311, ~~65-1-209~~, 65-2-102, and 65-3-112. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.14 NOTICE OF HEARING.

- (1) Except as ~~may be~~ otherwise provided by statute or ~~by~~ these rules, the ~~Chair of the Commission~~ [or Hearing Officer] shall give all parties reasonable notice of any pre-hearing conference or ~~any~~ hearing to be held ~~for the disposition of~~[to address] any preliminary motion.

- (2) The ~~Chair of the~~ Commission [or Hearing Officer] shall ~~give~~[notify] all parties at least ten ~~(10)~~ days ~~notice of~~[before] any hearing on the merits.

Authority: T.C.A. §§ 4-5-307, 65-2-102, and 65-2-108. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.15 ~~RESERVED~~ [STIPULATIONS AND SETTLEMENTS.]

- [(1) The Commission encourages the resolution of matters brought before it through stipulations and settlements. Settlements must be supported by substantial evidence.]
- [(2) Proponents of a proposed settlement carry the burden of showing that the settlement is reasonable, in the public interest, or otherwise in compliance with law or regulatory policy. Proponents of the settlement should be prepared to call witnesses, file pre-filed testimony, and provide copies of any documents, financial analysis, exhibits, and an explanation of the underlying rationale to support the settlement. The Commission may require further development of an appropriate record supporting a proposed settlement as a condition of accepting or rejecting the settlement.]

[**Authority:** T.C.A. §§ 65-2-102 and 4-5-105.]

1220-01-02-.16 EVIDENCE - TESTIMONY AND BURDEN OF PROOF.

- (1) The admissibility of evidence is governed by T.C.A. §§ 65-2-109 and 4-5-313.
- (2) The burden of proof shall be on the party asserting the affirmative of an issue, provided that when the Commission has issued a show cause order ~~pursuant to~~[under] T.C.A. § 65-2-106, the burden of proof shall be on the party thus directed to show cause.
- (3) In ~~lieu~~[place] of the oral examination of a witness ~~or when required by the Commission or by these rules~~, the direct or redirect examination of such witness ~~may~~[shall] be presented in written, question-and-answer form [(pre-filed testimony)]. Pre-filed testimony shall be filed no later than ten ~~(10)~~ days ~~prior to~~[before] the hearing unless ~~otherwise provided~~[directed] by the Commission or the Hearing Officer. ~~Presentation~~[The Commission may require the presentation] of pre-filed testimony ~~may be required by the Commission in accordance with~~[under] this rule, if it ~~is deemed by the Commission~~[deems] that doing so would be in the public interest and would be conducive to a fair and expeditious disposition of the proceeding. Any party may object to the ~~use of~~ pre-filed testimony ~~by~~[of] a witness, and the objecting party shall have the right to be heard by the Commission or the Hearing Officer ~~at~~[during] a hearing on the objection.
- (4) All pre-filed testimony shall be filed in electronic or written form consistent with these rules. The lines on each page shall be double-spaced and numbered consecutively down the left side of the page, and the left-hand margin of each page shall not be less than 1 1/4 inches wide. ~~At~~[During] the hearing, after any such pre-filed testimony has been ~~properly~~[appropriately] identified and authenticated under oath or affirmation by the witness presenting the same, it may upon motion be incorporated into the record in the same way as if the questions had been asked of the witness and the answers had been ~~given orally~~[presented verbally] by the witness. Such pre-filed testimony shall be treated as if given ~~orally~~[verbally,] and the witness presenting such pre-filed testimony shall be subject to cross-examination during the hearing on the merits.

- (5) Any party shall have the right to cross-examine witnesses who testify and shall have the right to submit rebuttal testimony, subject to the standards of admissibility and such limitations as the Hearing Officer or ~~the Chair, whichever~~[Commissioner, whomever] is presiding ~~at~~[during] the hearing, may reasonably require.
- (6) ~~In~~[At] the discretion of the Commission or the Hearing Officer, or on [the] motion of any party, witnesses may be excluded from the hearing room ~~prior to~~[before] their testimony.

Authority: T.C.A. §§ 4-5-313, 65-2-102, and 65-2-109. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.17 DEFAULTS - UNOPPOSED CASES.

- (1) Failure of a party to attend or participate in a pre-hearing conference, hearing, or other stage of a contested case proceeding, after due notice thereof, shall be cause for finding such party in default, ~~pursuant to~~[under] T.C.A. § 4-5-309. Failure to comply with an order of the Commission or a Hearing Officer may be deemed a failure to participate in a contested case and, therefore, be cause for finding a party in default.
- (2) (a) Upon entry into the record of the [petitioner's] default ~~of the petitioner~~ at a contested case proceeding, the petition shall be dismissed.
- (b) Upon entry into the record of ~~the~~[a respondent's] default ~~of the petitioner~~ at a contested case proceeding, the matter shall be ~~tried as~~[considered] unopposed relative to such respondent.
- (3) Where the case is unopposed, the petitioner has the burden of making ~~out~~ a prima facie case, which may be done [based] on ~~the basis of~~ written filings. ~~In order to carry out statutory policies, however, the~~[The] Commission or Hearing Officer may require ~~further~~[additional] proof [to ensure compliance with statutory requirements].

Authority: T.C.A. §§ 4-5-309, 4-5-317, 65-2-102, and 65-2-108. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.18 INITIAL AND FINAL ORDERS.

- (1) The [Uniform Administrative Procedures Act governs the] review and effectiveness of initial and final orders ~~are governed by the Uniform Administrative Procedures Act~~.
- (2) The Commission may review all initial orders.
- (3) Any final order shall be signed by the Commissioners making the decision and attested by the Executive Director. If any Commissioner was ~~not present at~~[absent during] the proceeding ~~where~~[when] the decision was made, abstained from voting, or ~~voted in opposition to~~ [dissented from] the decision, that fact shall be reflected in the final order.
- (4) Any Commissioner may file a statement explaining ~~his or her~~[their] position. The statement may be attached to the final order or filed separately in the record.

- (5) When requested by the Commission, parties of record may submit proposed final orders for approval by the Commission. Any such final order shall conform to the statutory requirements for final orders.

Authority: T.C.A. §§ 4-5-314, 4-5-318, 65-2-102, and 65-2-112. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” “Chair of the Commission” references were changed to “Executive Director,” and “Chief” references were changed to “Director.”

1220-01-02-.19 STAYS.

- (1) Any petition for stay, filed pursuant to [under] T.C.A. § 4-5-316, shall state the grounds therefor [upon which a stay is requested] with reasonable particularity [specificity] [and be served on all parties of record.] [The petition] may be supported by a brief, affidavit, or other supporting evidentiary materials, ~~and shall be served on all parties of record.~~
- (2) Any party opposing a stay may file a brief in opposition within ten ~~(10)~~ days after the service of the petition for stay.
- (3) In deciding whether to grant a stay, the Commission shall consider and give appropriate weight to:
 - (a) The likelihood of the success of the petitioner on appeal;
 - (b) The hardship or injury which [that] may be imposed on the petitioner if a stay is not granted;
 - (c) The hardship or injury which may be imposed on others if a stay is granted; and
 - (d) The public interest.

Authority: T.C.A. §§ 4-5-316 and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.20 PETITIONS FOR RECONSIDERATION.

- (1) Any petition for reconsideration shall be filed within ~~fifteen (15)~~ days after the date of the entry of an order. The petition shall be served on all parties and include a statement of the grounds upon which relief is requested with reasonable specificity. ~~If the petitioners seek to present new evidence, the petition shall contain a statement of the cause for the failure to introduce the proposed new evidence in the original proceeding, a detailed description of any such new evidence proposed to be introduced, including copies of documents sought to be introduced, identities of proposed witnesses, and summaries of any testimony sought to be presented. However, documents that are unavailable to the party seeking reconsideration at the time of filing the petition may be described in as much detail as is possible and may be provided at a later time, should reconsideration be granted, but not later than three (3) working days prior to any reconsideration hearing.~~

~~(2) The Commission may grant or deny petitions for reconsideration of final orders under T.C.A. § 4-5-317, to the following extent:~~

~~(a) Any such petition shall be granted within the twenty (20) day period fixed by T.C.A. § 4-5-317(c), or it shall be deemed denied;~~

~~(b) If the petition is granted, the matter shall be heard as soon as practicable;~~

~~(c) The party seeking reconsideration may be allowed to present new evidence only if the party shows that good cause existed for the failure to introduce the new evidence at the original hearing, and the opposing party shall be allowed to present rebuttal proof if the party seeking reconsideration is allowed to present new evidence; and~~

~~(d) Any new evidence allowed to be introduced by the party seeking reconsideration shall be limited to that described in the petition for reconsideration.~~

[(2) If the petitioners seek to present new evidence, the petition must include a statement explaining the reason for failing to introduce the proposed new evidence in the original proceeding, along with a detailed description of the proposed new evidence. This statement shall include copies of documents intended for introduction, identities of proposed witnesses, and summaries of the testimony planned to be presented. Any documents unavailable to the party seeking reconsideration at the time of filing the petition may be described in as much detail as possible and may be submitted later if reconsideration is granted, but no later than three working days before the hearing on reconsideration.]

[(3) The Commission or Hearing Officer may grant or deny petitions for reconsideration of final orders under T.C.A. § 4-5-317, to the following extent:]

[(a) Any such petition shall be granted within the twenty days fixed by T.C.A. § 4-5-317(c), or it shall be deemed denied;]

[(b) If the petition is granted, the matter shall be heard as soon as practicable;]

[(c) The party seeking reconsideration may be allowed to present new evidence only if the party shows that good cause existed for failing to introduce the new evidence during the original hearing. The opposing party shall be allowed to present rebuttal proof if the party seeking reconsideration is permitted to present new evidence; and]

[(d) Any new evidence allowed to be introduced by the party seeking reconsideration shall be limited to that described in the petition for reconsideration.]

~~(3[4]) The filing of a petition for reconsideration shall not toll the period for review of a final order unless the petition for reconsideration is granted.~~

Authority: T.C.A. §§ 4-5-317 and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.21 STAFF PARTICIPATION AS A PARTY.

(1) In any show cause proceeding, designated staff members, represented by the g[G]eneral e[C]ounsel or other counsel employed by the Commission, shall participate as a party.

- (2) In any contested case commenced by the Commission, designated staff members, represented by the ~~g~~[G]eneral ~~e~~[C]ounsel or other counsel employed by the Commission, may participate as a party.
- (3) In any other contested case proceeding, designated staff members, represented by the ~~g~~[G]eneral ~~e~~[C]ounsel or other counsel employed by the Commission, may participate as a party.
- (4) Staff members who participate as a party shall be bound to ~~follow~~[comply with] the ~~same~~ requirements as any other party.
- (5) As soon as practicable after ~~the commencement of~~ any proceeding in which the staff will participate as a party, the ~~Chair of the Commission~~[General Counsel] shall identify those staff members to all interested parties and staff ~~so as~~ to prevent ex parte communications.

Authority: T.C.A. §§ 4-5-303, 4-5-304, 65-2-102, 65-2-106, and 65-2-107. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-01-02-.22 GENERAL PROCEDURAL POWERS.

In any contested case, the Commission or the Hearing Officer:

- (1) May determine that there is no genuine issue as to any material fact. In reaching such determination, the Commission or Hearing Officer may, in its discretion, hear and determine all or any part of a case, without hearing oral testimony;
- (2) May, on its own ~~motion~~[initiative] or the motion of any party, allow amendments, consolidate cases, join parties, sever aspects of the case for separate hearings, permit additional claims or contentions to be asserted, bifurcate, or otherwise order the course of proceedings ~~in order~~ to further the just, efficient, and economical disposition of cases consistent with the statutory policies governing the Commission; and
- (3) ~~Shall afford all parties an opportunity to be heard after reasonable notice before~~[Before] exercising these general procedural powers[, all parties shall be given reasonable notice and an opportunity to be heard].

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

[1220-01-02-.23 PETITION FOR REVISION OF RATES.]

- [(1) The rules in this section shall apply to petitions to revise rates filed under T.C.A. § 65-5-103(a).]
- [(2) The petitioner is required to file a notice of its intention to file a petition for revision of rates with the Docket Manager not less than 30 calendar days before filing its petition. At that time, a copy of the notice must also be emailed to the Commission’s General Counsel, the Director of the Utilities Division, the Consumer Advocate Division of the Tennessee Attorney General’s Office, and all parties of record from the utility’s most recent rate case. This notice will initiate

a proceeding that requires the applicable filing fee under T.C.A. § 65-2-103 and Commission Rule 1220-01-01-.04, but does not begin the calculation of time under T.C.A. § 65-4-103(a) and (b).]

[(3) A petition for revision of rates filed under T.C.A. 65-5-103(a) shall include the following information to be considered complete:

(a) A summary of the proposed changes that includes an estimated residential and commercial monthly and annual increase if the requested change is granted;

(b) Pre-filed testimony supporting the proposed rate change; and,

(c) A tariff implementing the proposed change.]

[(4) Customer notice of the petition shall be required:

(a) Within the next billing cycle or 45 days of the filing date of the rate petition, whichever is sooner, the Company applying for a revision of rates shall send directly to its customers, in the same manner they receive billing statements, either electronically or by first-class mail, a notice of its filing that includes the summary set forth in (3)(a) above.

(b) Once the date and location of the hearing on the petition have been determined, the Company must, within five days, provide an accurate update to the notice previously posted on its website and send the update directly to its customers in the same manner they receive their billing statements, either electronically or by first-class mail. This update shall include the date, location, and time scheduled for the hearing, an accurate summary of the proposed rate or rate changes currently presented to the Commission in the Company's testimony, and a summary of the position, including rates or rate changes, proposed by any intervening parties.

(c) The petitioner, by a duly authorized officer, or by its attorney, shall file a statement in writing on or before the date of hearing that the information required above has been distributed to its customers in the same manner they receive billing statements.]

[(5) Discovery in rate proceedings shall be governed by Rule 1220-01-02-.11.]

[Authority: T.C.A. §§ 65-2-102, 65-4-104.]

**RULES
OF
TENNESSEE PUBLIC UTILITY COMMISSION
CHAPTER 1220-04-01
GENERAL PUBLIC UTILITIES[UTILITY] RULES
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1220-04-01-.01 CAPITAL ADDITIONS BUDGETS OF UTILITIES.

All public utilities operating in the State of Tennessee shall submit one (1) copy of the following information on an annual basis, to be filed no later than ninety (90) days after the beginning of the current fiscal year with the Director, Utilities Division or as otherwise agreed upon.

- a. Projected expenditures on capital construction projects both routine and specific for the current year.
- b. For the current year a brief description of the nature, location and necessity of individual specific projects. Individual specific projects are those projects which for public utilities having more than 300,000 customers in their Tennessee jurisdiction any addition to plant where the cost of the project exceeds \$200,000. For public utilities having between 30,000 and 300,000 customers in their Tennessee jurisdiction, any addition to plant where the cost of the project exceeds \$100,000. For public utilities having less than 30,000 customers in their Tennessee jurisdiction, any addition to plant where the cost of the project exceeds \$50,000.00.
- c. New projects over the above thresholds that arise during the reporting year as well as reported projects that are later deferred or canceled should be reported at the time of such decisions if they significantly impact customer service. A summary of all changes, together with reasons for change will be included as a supplement to the following year's annual report.

Those utilities that, pursuant to Rule 1220-04-02-.55, prepare Tennessee specific capital addition budgets for the first and second following years shall also file similar information for these years with the filing in (a) above.

An annual conference, where appropriate, will be scheduled for each utility as required by the Commission's Staff for clarification of the submitted capital additions budgets. The review of such information at an annual conference will not necessarily constitute approval of a utility proposed capital addition.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Amendment filed December 3, 1986; effective March 31, 1987. Repeal filed August 7, 1992; effective November 29, 1992. New rule filed June 4, 1993; effective September 28, 1993. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003.
(Rule 1220-04-01-.01, continued)

Amendment filed February 11, 2015; effective May 12, 2015. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission,"

“Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-04-01-.02 TARIFF SPECIFICATIONS.

- (1) Form and Style of Tariffs.
 - (a) All tariffs must be in book, sheet or pamphlet form with loose leaves so that changes can be made by reprinting and inserting a single leaf.
 - (b) The initial tariff filed by each public utility shall be designated as TRA No. 1 and thereafter as other tariffs are filed they shall be designated with the next number in consecutive numerical order. Revisions and additions shall be inserted in the most appropriate location and denoted by the previous sheet numbers plus a letter, i.e., 3A, 3B, etc., or 3.1, 3.2, etc. Revisions to tariff sheets shall be denoted by 1st Revised Sheet No. 3, 2nd Revised Sheet, etc.
 - (c) The title page should be uniform. Rates, rules and regulations shall be written only on one side of a sheet. If a single sheet is insufficient, two or more pages should be used.
 - (d) Separate tariffs shall be filed for electric, telephone, telegraph, gas, water, heat or for any other services rendered.
- (2) Size of Tariffs and Copies Required.
 - (a) Tariffs and supplements thereto must be typewritten on paper 8½ x 11 inches in size.
 - (b) Three copies of each tariff, rate schedule, or revision or supplement shall be filed with the Commission. All three shall bear the name and title of the issuing officer.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; “Commission” and references to the “Commission” were changed to “Authority” and references to the “Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-04-01-.03 TARIFF CONTENTS.

- (1) Tariffs must explicitly state the rates and charges for each class of service rendered, designating the area or district to which they apply.
- (2) Rules and regulations of the utility that in any manner affects the rates charged or to be charged or that define the extent or character of the service to be given shall be included with each tariff.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.”

1220-04-01-.04 TARIFF CHANGES REQUIRE THIRTY (30) DAYS NOTICE TO THE COMMISSION.

- (1) Except as hereinafter provided all tariffs, rate schedules or supplements thereto containing any change in rates, tolls, charges or rules and regulations must be filed with the Commission at least thirty (30) days before the effective date of such changes, unless upon application and for good cause shown the Commission may waive the thirty (30) day time limit or any portion thereof.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

~~1220-04-01-.05 PETITION FOR REVISION OF RATES.~~

- ~~(1) All public utilities applying for revision of rates shall provide the following public notice in regard to proposed rate changes:~~
- ~~(a) A utility shall make a summary of the proposed changes and the reasons for them available at each of the utility's business offices.~~
- ~~(b) A utility shall cause a summary of the proposed changes and the reasons for them to be published in a newspaper of general circulation located in the utility's service area.~~
- ~~(2) The summary must include a summarization of every proposed rate change written in clear, simple, and understandable language and the predicted impact of proposed changes on the average residential and business customers served by the utility. The newspaper notice and the notice at the utility's business office shall state that a complete copy of the proposed tariff changes and the reasons for them are on file with the Tennessee Public Utility Commission and are open to public inspection. The public notice should also state the date and place when the application will be heard by the Commission, if known.~~
- ~~(3) The petitioner, by a duly authorized officer, or by its attorney, shall file a statement in writing on or before the date of hearing that the above notice has been published and posted, together with the date and location of said posting and publication, as required by this rule.~~

~~**Authority:** T.C.A. §§ 65-2-102 and 65-4-104. **Administrative History:** Original rule certified May 9, 1974. Amendment filed November 9, 1984; effective December 9, 1984. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

1220-04-01-.06 CHANGES IN TARIFF.

- (1) All public utilities, agents, representatives, or bureaus issuing tariffs or schedules of rates and charges affecting Tennessee intrastate business, shall file with the Tennessee Public Utility Commission of the State of Tennessee written notice, in triplicate, containing a brief explanation of the character of and reason for proposed changes in said tariff schedules.
- (2) Such explanation shall be filed not later than the date said tariff or schedule is filed.
- (3) A receipt copy of said explanation shall be evidence of filing such explanation and related tariffs or schedules.
- (4) All tariffs and supplements affecting Tennessee intrastate business shall be filed with the Tennessee Public Utility Commission at least thirty (30) days before the date upon which they are to become effective, unless upon application and for good cause shown the Commission may waive the thirty (30) days time limit or any portion thereof.
- (5) The Commission may, on its own motion or on the filing of a sufficient protest by any person

or persons affected, order such tariff modified or suspended.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-01-.07 SPECIAL CONTRACTS.

- (1) Special contracts between public utilities and certain customers prescribing and providing rates, services and practices not covered by or permitted in the general tariffs, schedules or rules filed by such utilities are subject to supervision, regulation and control by the Commission. A copy of such special agreements shall be filed, subject to review and approval.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-01-.08 NAME CHANGES FOR PUBLIC UTILITIES.

- (1) (a) Any public utility (i) changing its registered business name, (ii) adopting an assumed business name, or (iii) discontinuing the use of an assumed business name shall notify the Commission at least thirty (30) days before offering services to Tennessee customers under a new name.
 - (b) A public utility certificated in the state of Tennessee pursuant to T.C.A. § 65-4-201 but not presently offering services to Tennessee customers shall notify the Commission of any change referenced above within thirty (30) days of the change.
- (2) A notification of any change referenced in subsection (1)(a) above shall include all of the following:
 - (a) For public utilities operating as either a corporation, limited liability company, or limited liability partnership, verification that the public utility has registered the changed or assumed business name with the Office of the Tennessee Secretary of State in compliance with the requirements of T.C.A. §§ 48-14-103, 48-54-103, 48-207-103, or 61-2-103;
 - (b) For public utilities providing telecommunications services in the state of Tennessee, verification that the changed or assumed business name has been recorded in the public utility's surety bond or letter of credit obtained pursuant to T.C.A. § 65-4-125;
 - (c) If the public utility is currently serving end user customers in the state of Tennessee, a copy of the proposed notice to be sent to the utility's Tennessee customers for the purpose of informing these customers of the anticipated change in business name, adoption of an assumed business name, or removal of an assumed business name; and
 - (d) If the public utility intends to use more than one business name to provide services in the state of Tennessee, a notice specifying which services will be provided to customers under each name.
- (3) At its own discretion, the Commission may waive any of the requirements of subsection (2) of

this rule for good cause.

Authority: T.C.A. §§ 48-14-103, 48-54-103, 48-207-103, 61-2-103, 63-2-102, 65-2-101, 65-4-104, and 65-4-201. **Administrative History:** Original rule certified May 9, 1974. Amendment by Public Chapter 440; effective July 1, 1985. Amendment filed July 14, 2005; effective September 27, 2005. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

~~1220-04-01-.09 PIPELINE SAFETY RULE.~~

- ~~(1) "The Minimum Federal Safety Standards for the transportation of natural and other gas by pipeline (Title 49, Chapter 1, Part 192) as published in the Federal Register Vol. 35, Number 161 shall be the standard for use by gas transmission and distribution systems within the State of Tennessee."~~

~~[With the exception of paragraph (b) of Section 192-455 (Title 49, Chapter 1, Part 192) as published in the Federal Register Volume 36, Number 126, which is deleted.]~~

- ~~(2) "The present American Standard Code for Pressure Piping, Gas Transmission and Distribution Piping System (ASA-B 31.8), and all supplements and amendments thereto, shall be used to supplement this rule, insofar as the same does not conflict with Part 192." (Cross reference - 1220-04-05-.43 - 1220-04-05-.44).~~

~~**Authority:** T.C.A. § 65-2-102. **Administrative History:** Amendment of the Pipeline Safety Rule effective on November 1, 1970, to be the Minimum Federal Safety Standards for the transportation of natural and other gas by pipeline (Title 49, Chapter 1, Part 192) as published in the Federal Register, Volume 35, Number 161. Amendment to delete paragraph (b) of Section 192-455 (Title 49, Chapter 1, Part 192) as published in the Federal Register, Volume 36, Number 126, from its standard for the transmission of natural and other gas by pipeline; effective August 1, 1972. Rule certified May 9, 1974. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."~~

1220-04-01-.10 REPORTS-UNIFORM FINANCIAL REPORT FORMS.

- (1) Reports
All electric, telephone, gas, water, and other public utility companies as set forth in T.C.A. § 65-4-101, and with operating revenues in excess of \$250,000 annually, shall submit financial statements to the Commission monthly, and public utilities with operating revenues of less than \$250,000 annually shall submit quarterly financial statements to the Commission, except as otherwise provided in this rule.
- (2) Type of Public Utilities
- (a) Telephone Utility Companies
1. All companies subject to the jurisdiction of the Commission as set forth in T.C.A. § 65-4-101, which are either a subsidiary of a holding company or have in excess of 6,000 access lines shall submit monthly to this Commission Monthly Report Form TRA-3.01 within sixty (60) days after the end of the month covered by the report. The Monthly Report Form shall be completed by each company to the extent data is available.
 2. All companies subject to the jurisdiction of the Commission as set forth in T.C.A. § 65-4-101, which are not a subsidiary of a holding company and have less than 6,000 access lines shall submit quarterly to this Commission Quarterly Report Form TRA-3.02 within sixty (60) days after the end of the quarter covered by the

report. The Quarterly Report Form shall be completed by each company to the extent data is available.

3. All companies operating pursuant to price regulation under T.C.A. § 65-5-109 shall submit to the Commission the above report annually, for the twelve months ending December, or for the company's fiscal year, if different, within sixty (60) days after the end of the twelve (12) month period covered by the report.

(b) Gas Utility Companies

1. All companies subject to the jurisdiction of this Commission, as set forth in T.C.A. § 65-4-101, which had operating revenues for the preceding year in excess of \$1,500,000 shall submit monthly to this Commission, Monthly Report Form TRA-3.03 sixty (60) days after the end of the month covered by the report.
2. All companies subject to the jurisdiction of this Commission, as set forth in T.C.A. § 65-4-101, which had operating revenues for the preceding year of \$1,500,000 or less shall submit quarterly to this Commission, Quarterly Report Form TRA-3.04 sixty (60) days after the end of the quarter covered by the report.

(c) Electric Utility Companies

1. All companies subject to the jurisdiction of this Commission, as set forth in T.C.A. § 65-4-101, which had operating revenues from operations within Tennessee for the preceding year in excess of \$1,500,000 shall submit monthly to this Commission, Monthly Report Form TRA-3.05 sixty (60) days after the end of the month covered by the report.

(d) Water Utility Companies

1. All companies subject to the jurisdiction of this Commission, as set forth in T.C.A. § 65-4-101, which had operating revenues for the preceding year in excess of \$1,500,000 shall submit monthly to this Commission, Monthly Report Form TRA-3.06 sixty (60) days after the end of the month covered by the report.
2. All companies subject to the jurisdiction of this Commission, as set forth in T.C.A. § 65-4-101, which had operating revenues for the preceding year in excess of \$100,000 but less than \$1,500,000 shall submit to this Commission, Quarterly Report Form TRA-3.07 sixty (60) days after the end of the month covered by the report.

(e) Sewer Utility Companies

1. All companies subject to the jurisdiction of this Commission, as set forth in T.C.A. § 65-4-101, which had operating revenues for the preceding year in excess of \$1,500,000, shall submit monthly to this Commission Monthly Report Form TRA-3.18 sixty (60) days after the end of the month covered by the report.
2. All companies subject to the jurisdiction of this Commission, as set forth in T.C.A. § 65-4-101, which had operating revenues for the preceding year in excess of \$100,000 but less than \$1,500,000, shall submit quarterly to this Commission, Quarterly Report Form TRA-3.19, sixty (60) days after the end of the quarter covered by the report.

(3) Uniform Financial Report Forms

The following report forms which are attached to this order as Appendix A shall be used by the utility companies, as designated in paragraph (2) of this rule:

- (a) Telephone Utility Companies
Form TRA-3.01
Form TRA-3.02
- (b) Gas Utility Companies
Form TRA-3.03
Form TRA-3.04
- (c) Electric Utility Companies
Form TRA-3.05
- (d) Water Utility Companies
Form TRA-3.06
Form TRA-3.07
- (e) Sewer Utility Companies
Form TRA-3.18
Form TRA-3.19

Authority: T.C.A. §§ 65-2-102, 65-4-101, 65-4-104, 65-4-401, 65-4-111, and 65-5-109. **Administrative History:** Original rule certified May 9, 1974. Amendment filed February 29, 1988; effective May 29, 1988. Amendment filed August 26, 1988; effective November 29, 1988. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Amendment filed September 25, 2003; effective December 9, 2003. Amendment filed February 11, 2015; effective May 12, 2015. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-01-.11 UNIFORM SYSTEM OF ACCOUNTING.

- (1) The following uniform system of accounting will be followed by utilities and other companies making periodic reports to the Commission:
 - (a) For Classes A and B telephone companies - Uniform System of Accounts as adopted and amended by the Federal Communications Commission.
 - (b) For Classes C and D telephone companies - Uniform System of Accounts as adopted and amended by the Federal Communications Commission.
 - (c) For Classes A and B gas companies - Uniform System of Accounts as adopted by the National Association of Railroad and Utilities Commissioners as revised June 30, 1972, and any amendments or revisions pertaining thereto.
 - (d) For Classes C and D gas companies - Uniform System of Accounts as adopted by the National Association of Railroad and Utilities Commissioners as revised June 30, 1972, and any amendments or revisions pertaining thereto.
 - (e) For Classes A and B electric companies - Uniform System of Accounts as adopted by the National Association of Railroad and Utilities Commissioners as revised June 30, 1972, or any amendments or revisions pertaining thereto.
 - (f) For Classes C and D electric companies - Uniform System of Accounts as adopted by the National Association of Railroad and Utilities Commissioners as revised June 30, 1972, or any amendments or revisions pertaining thereto.

- (g) For Classes A, B, and C water companies - Uniform System of Accounts as adopted and amended by the National Association of Railroad and Utilities Commissioners.
 - (h) For Classes A, B, and C sewer companies - Uniform System of Accounts as adopted and amended by the National Association of Railroad and Utilities Commissioners.
- (2) That this rule shall not apply to utilities deriving less than one percent (1%) of their total gross operating revenues from business in Tennessee and they shall be permitted to keep their accounting records in accordance with the system of accounts prescribed by the State Authority of the State in which a majority of their gross revenues are derived.
 - (3) That each utility subject to the jurisdiction of this Commission shall notify this Commission within thirty (30) days from the date of this order of its election to adopt either the "service life flow-through" method of accounting or the "initial year flow-through" method of accounting for the treatment of the investment tax credit as provided by Section 38 of the 1954 Internal Revenue Code, as amended, and specifically the 1962 and 1964 Revenue Acts.
 - (4) That utilities deriving less than one percent (1%) of their total gross operating revenues from business in Tennessee shall be permitted to keep their accounting records in accordance with the system of accounts prescribed by the State Authority of the State in which a majority of their gross revenues are derived.
 - (5) That the election once made by a utility shall not be subject to change without prior formal approval of this Commission.

Authority: T.C.A. §§ 65-2-102, 65-4-101, 65-4-104, and 65-4-111. **Administrative History:** Original rule certified May 9, 1974. Amendment filed October 13, 1978; effective November 27, 1978. Amendment filed August 26, 1988; effective November 29, 1988. Editorial changes made by the Secretary of State pursuant to Public Chapter 305 of 1995; "Commission" and references to the "Commission" were changed to "Authority" and references to the "Authority"; effective March 28, 2003. Amendment filed February 11, 2015; effective May 12, 2015. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-01-.12 REPEALED.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule certified May 9, 1974. Amendment filed March 12, 1981; effective April 27, 1981. Repeal filed October 29, 1993; effective March 1, 1994. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director."

1220-04-01-.13 EXTENSIONS OF SERVICE TO CONTIGUOUS TERRITORY.

- (1) For purposes of this Rule, "contiguous" means immediately adjacent, and sharing at least one significant common boundary line. A geographic feature such as a roadway or stream along the common boundary line will not negate contiguity. However, any intervening land or significant body of water will disqualify a territory from being contiguous. An extension that traverses unoccupied territory that will not be served by the extension is not contiguous.
- (2) Neither a Certificate of Public Convenience and Necessity ("CCN") nor an amendment to an existing CCN shall be required for the extension of public utility service into territory that is contiguous to the territory occupied by such public utility's plant, route, line, or system, when:
 - (a) The contiguous territory is not receiving similar service from another utility service provider; and,

- (b) The contiguous territory is not located within the designated service territory of another utility providing similar service.
- (3) A public utility shall provide written notice to the Commission of its intention to construct, acquire, or commence operation of a utility system or service in territory that is contiguous to the service territory already designated to the public utility for the provision of service of a like character. Concerning such written notice, the public utility shall:
- (a) File notice with the docket clerk for the Commission at least thirty (30) days before constructing, acquiring, or commencing operation of such utility system or service; and,
 - (b) Provide notice in a form approved by the Commission; which shall include identification of the area to be served by the extension and other information required by the Commission in the performance of its statutory general supervisory and regulatory duties.
- (4) In addition to the written notice to the Commission required by paragraph three (3) herein, the public utility shall provide to the Commission:
- (a) Proof of notice that may be required to any regulatory agency of the extension of service of contiguous territory;
 - (b) A complete description of the geographic contiguous territory to be served by the expansion including the name and location of the development (subdivision), number of acres, and the existing territory served by the utility proposing to expand its service area. A legible map of the area with the proposed contiguous service territory and the currently served territory shall also be provided.
 - (c) Documentation of permits, permit modifications and/or amendments, or other approval documents certifying the existence of appropriate capacity and/or ability to provide service issued by any regulatory agency; and,
 - (d) Documentation concerning any complaint(s), notices of violation, or administrative action filed with or issued by a regulatory agency concerning the operations of the utility plant, route, line, or system, to be extended. Such documentation shall also be provided for any complaint(s), notices of violation, or administrative action filed with or issued by a regulatory agency within sixty (60) days after the filing of the written notice required by paragraph three (3) herein.
- (5) In addition to the requirements of paragraphs three (3) and four (4), a public wastewater utility shall provide to the Commission:
- (a) Proof that the operating permit for the existing system has been modified and reissued by the Tennessee Department of Environment and Conservation ("TDEC") to reflect the additional wasteload; or, demonstrate that the existing system design has capacity to support the design flow of the original system and the design flow expected from the contiguous area, and a public notice confirming that the public utility appropriately announced its intention to serve the contiguous property at issue; and,
 - (b) Certification from a design engineer that the existing wastewater system, before any alteration needed to extend service, was constructed in accordance with TDEC-approved construction plans and specifications. The certification shall be filed in the docket prior to providing service.
- (6) Upon the filing of a written notice, the Commission shall open a docket for the review of the

notice. A commission order, including appropriate findings of fact and conclusions of law, shall be entered not more than sixty (60) days from the filing of the written notice and all required documentation, and shall be limited to whether the intended expansion qualifies as an expansion into contiguous territory.

Authority: T.C.A. §§ 4-5-201, et seq.; 65-2-102; and 65-4-201. **Administrative History:** New rule filed February 4, 2021; effective May 5, 2021.